

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
Case No. 556129

NORTHROP CORPORATION,)
)
Plaintiff,)
)
-vs-)
)
EVANSTON INSURANCE COMPANY,)
et al.,)
)
Defendants.)
)
)
AND RELATED CROSS-ACTION.)
)

VIDEOTAPED DEPOSITION OF (b)(6) [REDACTED]

June 12, 1989

9:44 a.m.

- - - - -

Taken by Northbrook Excess and Surplus Insurance Company
Pursuant to Notice

At the Offices of
Van Winkle, Buck, Wall, Starnes & Davis, P.A.
Asheville, North Carolina

Reported by:

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EXHIBITS

For
Identification

Owenby Deposition Exhibit No. 1-----116
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VIDEO TECHNICIAN: I am David M. Sperling, video technician with the firm of Sperling and Barraco, Inc., 11 North Market Street, Asheville, North Carolina.

Today is Monday, June 12, 1989. We are here for the videotaped deposition of (b)(6) in the case of Northrop Corporation, plaintiff, versus Evanston Insurance Company, et al., defendants, and Related Cross-Action; case number 556129, now pending in the Superior Court of the state of California for the county of Los Angeles.

The deposition is being taken on behalf of cross-defendant Northbrook Excess and Surplus Insurance Company.

Would counsel please identify themselves for the record?

MR. ZUCKERMAN: My name is Tod Zuckerman. I'm the attorney for Allstate Insurance Company, who has been sued in this case under the name of Northbrook Excess and Surplus Insurance Company, with the firm of Dowd & Dowd, San Francisco.

MR. COLVIG: I'm Timothy Colvig from Lempres & Wulfsberg appearing for defendant and cross-complainant, Evanston Insurance Company.

MR. SCHULTHEIS: I'm John Schultheis, environmental consultant.

1 MR. WARNER: Glenn Warner of Paul, Hastings,
2 Janofsky & Walker appearing for Northrop Corporation.

3 MR. FADEFF: Jeffrey Fadeff of Fisher & Hurst on
4 behalf of cross-defendant Underwriters of Lloyds of London
5 and North River Insurance Company.

6 MR. WHEELER: Charles Wheeler of Rogers & Wells
7 for Pacific Indemnity Company.

8 MR. GROSSINGER: Doug Grossinger of Siff, Rosen &
9 Parker for cross-defendant First State Insurance Company.

10 MR. LANE: Don Lane of -- excuse me -- Keating,
11 Muething & Klekamp, Cincinnati, for Great American
12 Insurance Company, defendant and cross-defendant.

13 MR. MCCALL: I'm Eugene C. McCall, Jr. I work
14 with Bob Warren, a lawyer in Black Mountain, and I
15 represent the client.

16 MR. ZUCKERMAN: If I can ask Mr. Schultheis, since
17 he didn't identify his client today, and his capacity,
18 since he's not a lawyer, if he could do that, please, for
19 the record.

20 MR. SCHULTHEIS: I'm an environmental consultant
21 to Mr. Warner of Paul, Hastings, Janofsky & Walker.

22 MR. ZUCKERMAN: Thank you. Now, will you please
23 swear the witness?

24 THE REPORTER: I'm Teresa G. Sapp, court reporter,
25 Sperling & Barraco, Asheville, North Carolina.

1 (b)(6) ,
2 called as a deponent by cross-defendant Northbrook Excess
3 and Surplus Insurance Company, being first duly sworn,
4 testified as follows:

5 EXAMINATION

6 BY MR. ZUCKERMAN:

7 Q. Hi, (b)(6) . I'm going to ask you -- I'm going
8 to start this deposition by asking some preliminary
9 questions I'm going to ask during every deposition. First
10 of all, if you can state your age for us.

11 A. (b)(6) .

12 Q. I see. And are you (b)(6) ?

13 A. (b) , sir.

14 Q. How long have you been (b)(6) ?

15 A. Just a second. (b)(6) .

16 Q. I see. And your address?

17 A. (b)(6) .

18 Q. And telephone number?

19 A. (b)(6) .

20 Q. Area code 704?

21 A. Area code 28815.

22 MR. McCALL: That's the zip code.

23 BY MR. ZUCKERMAN:

24 Q. That's the zip code. I'm sorry. The area code.

25 A. Oh, I'm sorry. Sorry. I misunderstood you.

1 Q. The area code is 704?

2 A. Right. Yes, sir.

3 Q. Okay, sir. Do you have any (b)(6)?

4 | A. (b) .

5 Q. And (b)(6) [REDACTED] [REDACTED] [REDACTED]?

6 A. (b)(6) -- I'd have to figure that up again.

7 (b)(6) and (b)(6).

8 Q. Are (b)(6) [REDACTED]?

9 A. (b)(6) [REDACTED].

10 Q. (b)(6) [REDACTED] [REDACTED] [REDACTED] [REDACTED]?

11 A. (b)(6) [REDACTED]

12 (b)(6) [REDACTED] [REDACTED] [REDACTED] [REDACTED].

13 Q. (b)(6) [REDACTED]

14 (b)(6) [REDACTED] ?

15 A. (b)(6) (b)(6) (b)(6)

16 | (b)(6) .

17 Q. (b)(6) [REDACTED] [REDACTED] [REDACTED]?

18 A. (b)(6). (b)(6) (b)(6).

19 Q. I see. Do (b)(6) [REDACTED] [REDACTED] [REDACTED]?

20 A. (b)(6) [REDACTED]

21 (b)(6) .

22 Q. Okay. Can you tell me a little bit about your
23 education, beginning with where you went to high school.

24 A. (b)(6) [REDACTED] [REDACTED] [REDACTED] [REDACTED].

25 Q. (b)(6) [REDACTED] [REDACTED] [REDACTED]. And where was this?

1 A. (b)(6) .

2 Q. Here in --

3 A. (b)(6) . (b)(6) .

4 Q. -- (b)(6) . So you finished the (b)(6)

5 (b)(6) ; is that correct?

6 A. (b)(6) .

7 Q. (b)(6) . Okay. After you finished the

8 (b)(6) , what did you do then?

9 A. I went to work, construction work.

10 Q. For whom?

11 A. I can't remember right off, the names.

12 Q. Okay. And how long did you do construction work?

13 A. For about three -- three years, I would say.

14 Q. And was this right here in --

15 A. Right here in (b)(6) .

16 Q. -- (b)(6) ? Now after you did
17 construction work for three years, what did you do next?

18 A. I went to work for (b)(6) .

19 Q. And where were they located?

20 A. (b)(6) . It's -- it's in (b)(6) , too.

21 Q. What did you do for (b)(6) ?

22 A. I was a -- a pre-cook.

23 Q. Pre-cook?

24 A. Uh-huh.

25 Q. What did you -- what is a pre-cook?

1 A. It's where they start cooking the baby food, and
2 then you process it on to the finish.

3 Q. How long did you do that work?

4 A. It's been so long. Two years, I'd say. I'm --
5 I'm not really sure, but somewhere in there.

6 Q. From (b)(6) [REDACTED], where did you go next?

7 A. Let me see now. [REDACTED].

8 Q. (b)(6) --

9 A. (b)(6) [REDACTED].

10 Q. (b)(6) [REDACTED]. What was (b)(6) [REDACTED]?

11 A. (b)(6) [REDACTED].

12 Q. And, again, local?

13 A. (b)(6) [REDACTED].

14 Q. (b)(6) [REDACTED]. What did you do for them?

15 A. (b)(6) [REDACTED].

16 Q. And how long did you do that?

17 A. A year.

18 Q. Okay. From being a (b)(6) [REDACTED], what did you do
19 then? After you were a (b)(6) [REDACTED], and you left that
20 company, what did you do?

21 A. Went to Northrop.

22 Q. That was about what time?

23 A. (b)(6) [REDACTED].

24 Q. How do you remember that date so well?

25 A. (b)(6) [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 (b)(6) [REDACTED] [REDACTED] and I went to work
2 when (b)(6) [REDACTED] [REDACTED].

3 Q. I see. How long did you work for Northrop?

4 A. I stayed with them -- I can't remember exactly the
5 date. It's somewhere along '69, the first of '70, they was
6 having a big layoff, and I just went ahead and left them.

7 Q. Uh-huh. Were you laid off?

8 A. No, sir. (b)(6) [REDACTED].

9 Q. So, I take it that you thought you may get laid
10 off --

11 A. Right.

12 Q. And you just decided to leave before you got laid
13 off; is that correct?

14 A. Yes.

15 Q. What did you do then?

16 A. Went to work for (b)(6) [REDACTED].

17 Q. What kind of work -- what kind of company is (b)(6) [REDACTED]?

18 A. It's where they make (b)(6) [REDACTED].

19 Q. (b)(6) [REDACTED]?

20 A. And it's a (b)(6) [REDACTED], (b)(6) [REDACTED] [REDACTED].

21 Q. And where is (b)(6) [REDACTED]?

22 A. It's, approximately, I'd say, four miles west of
23 here.

24 Q. Is there a town called (b)(6) [REDACTED], too?

25 A. (b)(6) [REDACTED].

1 Q. Spelled like the town? (b)(6) ?

2 A. (b)(6) .

3 Q. (b)(6) ?

4 A. Right.

5 Q. And what did you do after you left (b)(6) ?

6 A. I went to work in the (b)(6) .

7 Q. The name of the (b)(6) ?

8 A. (b)(6) .

9 Q. And where is that located?

10 A. That was located in off (b)(6) . It's
11 (b)(6) .

12 Q. And when did you leave them?

13 A. I didn't stay very long with them. I started
14 (b)(6) .

15 Q. And you (b)(6) ?

16 A. Now.

17 Q. Is that your present job?

18 A. Yes, sir.

19 Q. How long have you been working for (b)(6)

20 (b)(6) ?

21 A. (b)(6) .

22 Q. I see. That's a long time. Now getting back to
23 your employment at Northrop Corporation, how long did you
24 go about -- did you -- strike that. Did you apply for the
25 job?

1 A. Yes.

2 Q. How did you find out about the job before you
3 applied for it?

4 A. I had some friends tell me they was a'hiring at
5 Northrop.

6 Q. Did they tell you what positions they were hiring
7 for?

8 A. No, sir.

9 Q. So you were just interested in working, period.
10 Right?

11 A. Right. Yes, sir.

12 Q. Okay. What job were you hired for initially at
13 Northrop Corporation?

14 A. When I was hired in, I was hired in for CS-1.

15 Q. You were hired as a person that would help
16 manufacture CS-1; is that correct?

17 A. Yes.

18 Q. Or assemble it or --

19 A. Yes, sir.

20 Q. Did you actually start working with CS?

21 A. Excuse me just a second.

22 Q. Sure.

23 A. When I was hired in -- it's been so long. When I
24 was hired in, they said there's a possibility that I would
25 work in CS-1.

1 Q. I see. Possibility?

2 A. Yes.

3 Q. Did you work with CS-1?

4 A. No, sir.

5 Q. Why not?

6 A. When we got up to the, what they call, 128, the
7 office up there --

8 Q. You mean Building 128 on the Northrop plant?

9 A. 128. Yes, sir. (b)(6), supervisor over the
10 material handlers, said he needed someone as a material
11 handler, so they picked me out of the group as a material
12 handler.

13 Q. I see. Can you explain for us what a material
14 handler did?

15 A. We took off from building to building, stocked the
16 building with the products that was needed and take the
17 finish products out to the storage areas.

18 Q. Okay. What kind of -- strike that. Do you
19 remember what kind of material you would supply the various
20 buildings with?

21 A. I can remember some of it but not all of it.

22 Q. I can imagine.

23 A. It's been a long period of time.

24 Q. What's -- what's some of the material that you
25 remember?

1 A. I can remember putting magnesium in 114; sodium
2 nitrate, potassium. I believe that's what it's called.
3 And there's some in there that I can't recall right off my
4 head.

5 Q. Okay, now. Did you -- when you were hired --
6 strike that. When you were hired, were you given any kind
7 of training as a material handler?

8 A. No, sir. They just put me with a man to work
9 with.

10 Q. And --

11 A. He was another material handler.

12 Q. The name of that man was?

13 A. The first one I worked with was (b)(6) [REDACTED].

14 Q. (b)(6) [REDACTED]?

15 A. Yes.

16 Q. Is (b)(6) [REDACTED] still living?

17 A. I think he's dead now.

18 Q. I see. And he was the person who gave you
19 on-the-job training; is that correct?

20 A. Right.

21 Q. How long did you receive on-the-job training
22 before you knew your job without assistance and didn't need
23 assistance?

24 A. They had -- I was with a man that had more
25 seniority than I did for awhile, until I got caught on to

1 the -- in other words, learned the process of things, until
2 I caught on.

3 Q. That man wasn't (b)(6) ?

4 A. No, sir.

5 Q. Who was that man?

6 A. Well, we started out with (b)(6), and I'd be
7 assigned, maybe, to a different man at different times.

8 Then the -- (b)(6). I worked with him.

9 Q. Is he still living?

10 A. I don't know.

11 Q. Anybody else?

12 A. And then I worked with (b)(6). We worked
13 together most the time.

14 Q. Was (b)(6) at Northrop before you were at
15 Northrop?

16 A. Yes.

17 Q. So am I correct that (b)(6) was one of the people
18 that taught you your duties as a material handler?

19 A. Yes.

20 Q. I see. In addition to being a material handler,
21 did you do other things at the Northrop plant?

22 A. I'd haul waste, helped haul waste.

23 Q. When did you first start helping hauling waste --
24 helping to haul waste? When you started at Northrop or
25 later?

1 A. Later.

2 Q. After a year at Northrop, two years, or just a few
3 months at Northrop?

4 A. Just a few months.

5 Q. Why did they give you that additional
6 responsibility?

7 MR. WARNER: Objection. Calls for a conclusion.

8 BY MR. ZUCKERMAN:

9 Q. Mr. -- I'll reframe the question. (b)(6), do
10 you know why you were given the additional responsibility?

11 MR. WARNER: Objection. No foundation.

12 THE DEPONENT: No, sir.

13 BY MR. ZUCKERMAN:

14 Q. You can answer.

15 A. I really don't know. I can't remember that far
16 back.

17 Q. Okay. Do you remember who asked you to assist the
18 waste haulers?

19 A. The supervisor, (b) [REDACTED].

20 Q. (b) [REDACTED]?

21 A. Uh-huh.

22 Q. Was (b)(6) [REDACTED] the supervisor for material
23 handlers as well as waste disposal people -- workers?

24 A. This may take a little while to answer.

25 Q. Go ahead.

1 A. I can't under -- I don't understand -- really
2 understand. Would you repeat the question?

3 Q. Oh, sure. Was (b) [REDACTED] the supervisor for
4 material handlers as well waste disposers at the Northrop
5 facility?

6 A. I don't know, but he was supervisor over the
7 material handlers, but I can't say definitely whether he
8 was the supervisor over the waste or not.

9 Q. Okay. Did anyone give you any training when you
10 started assisting the waste disposers in disposal of waste?

11 A. No, sir.

12 Q. Then how did you learn how to do it?

13 A. With the man I was working with.

14 Q. And who was -- who was the name of the man you
15 were working with?

16 A. William Boone.

17 Q. Is Mr. Boone still living?

18 A. No, sir.

19 Q. How long ago did he die, if you know?

20 A. It's been quite awhile.

21 Q. Okay. What was Mr. Boone's duties at the Northrop
22 facility?

23 A. He picked up the waste control.

24 Q. That was his sole duty?

25 A. Yes, sir.

1 Q. Waste disposer?

2 A. Yes.

3 Q. How long did you work with Mr. Boone?

4 A. Approximately about a week, I'd say.

5 Q. You went every day with him for a week; is that
6 correct?

7 A. No, sir. Various times, just when they needed
8 someone to help him.

9 Q. Could you explain for us what you did with Mr.
10 Boone? The waste disposal routine?

11 A. Yes, sir. We'd go from building to building and
12 pick up the waste material and take it to the burning
13 grounds, the waste.

14 Q. Could you tell us step by step what you did in a
15 typical waste disposal routine?

16 A. How we handled it?

17 Q. Yeah. Beginning with the first thing you did that
18 day when you were working with waste disposal.

19 A. All I can recall is we'd go from building to
20 building and just pick up these wastes that was in
21 containers, some of it. And he had a big drum sitting on
22 the back of the truck; he'd just pour all that stuff right
23 down in that big barrel. And we'd pick up bags from
24 different buildings, put it all on the truck, and then take
25 it to the burning grounds.

1 Q. I see. Where were the bags located? In or
2 outside of the buildings?

3 A. The best I can remember, there was some of them
4 was in a cage on the outside of the building.

5 Q. Can you describe the cage for us? As best you
6 can. I know it's been a long time.

7 A. I'm trying to think. It was something like a
8 little steel cage with a door on it. But that thing would
9 get ran over sometimes. Some of them got them laying right
10 at the door as you pull up, you know, and pick it up.

11 Q. Can you describe the bags?

12 A. They was CS bags, some of them. Casara -- let me
13 get that name straight that goes in that.

14 Q. Excuse me, sir? I didn't hear that.

15 A. The name of the ingredients. I can't think of the
16 name of it right off. Cab-O -- Cab-O-Sil.
17 Something like that.

18 MR. ZUCKERMAN: Did the reporter hear that?

19 THE REPORTER: Cab-O-Sil.

20 BY MR. ZUCKERMAN:

21 Q. Cab-O-Sil?

22 A. Uh-huh.

23 Q. In addition to the bags, was the waste contained
24 in other types of containers besides bags?

25 A. Now the bags that we picked up was empty bags --

1 Q. Empty bags.

2 A. -- with no waste in them.

3 Q. With no waste. I see.

4 A. That was like a CS bag or a --

5 Q. That was empty?

6 A. Or paper containers, I'm talking of now.

7 Q. Were there cardboard in those bags or just paper
8 and empty bags?

9 A. Just paper.

10 Q. Okay. Now, in addition to that, did you pick up
11 anything else outside the buildings?

12 A. We'd pick up explosive waste.

13 Q. How were they contained?

14 A. It's been so long.

15 Q. Believe me, I know. If you know, fine; if you
16 don't, that's okay, too.

17 A. They was in a container. I can remember picking
18 up containers. And we had a container on the truck to
19 empty those containers in, you know, instead of letting the
20 raw liquid just -- or powder or whatever, just seep through
21 the truck or get all over.

22 Q. Oh, yeah. Can you describe for us, as best you
23 can recollect, the smaller containers that contained the
24 waste outside the buildings before you emptied it into the
25 bigger containers on your truck?

1 A. There was a small can with a top on it, a red can.
2 I can't remember just what was in it. But we poured it
3 into -- it's been a long time since then.

4 Q. Oh, I know. Let me just ask you. Do you recall
5 how high that container was, how --

6 A. About eight -- eight inches, ten inches.

7 Q. About eight inches high?

8 A. That was one of them.

9 Q. And how wide, as best you can recall?

10 A. It was a round --

11 Q. Like something like this? About six inches in
12 width or something?

13 A. Right.

14 Q. And that was a red container. Do you recall a
15 black container?

16 A. No, not right off, I can't.

17 Q. Do you recall white containers?

18 A. I can recall them around the buildings that had
19 material in them.

20 Q. What kind of explosive waste were in those
21 containers that you mentioned? If you remember?

22 A. I can't remember right now. Maybe we could go
23 back to that later.

24 Q. Okay. We'll go back to that later. Sure. All
25 right. So correct me if I'm wrong, now. Let's see if I

1 got the procedure. When you were working on the waste
2 detail or trash detail, you and Boone would go outside the
3 buildings, pick up the smaller containers, like the red
4 containers that you just described -- excuse me -- and take
5 those containers and pour them into larger containers on
6 Mr. Boone's truck; is that correct?

7 A. Yes, sir.

8 Q. How big were the containers on Mr. Boone's truck?

9 A. I can't remember.

10 Q. Okay. Were they -- let's ask a little bit about
11 the containers other than the size. Were they -- were the
12 containers drums?

13 A. They was in a drum form.

14 Q. Drum form.

15 A. They was -- they wasn't as big -- they could have
16 been, too. I won't say.

17 Q. Do you have any idea today how many gallons those
18 drums on Mr. Boone's truck contained?

19 A. No, sir.

20 Q. Okay. Do you remember how many -- approximately
21 how many drums there were on Mr. Boone's truck, like the
22 bed of his truck?

23 A. No, sir.

24 Q. Okay. Now after you poured the small -- the waste
25 in the smaller containers into the big containers on Mr.

1 Boone's truck, what was the next step that you and Mr.
2 Boone did?

3 A. We would take it to the -- where they did -- burn
4 it.

5 Q. Was that only if you had a full bed or -- of
6 containers? Did you wait until the bed was full of
7 containers before you did that?

8 A. We'd go from building to building and pick up all
9 the waste at the building.

10 Q. Uh-huh.

11 A. And when we would get us -- go to each and every
12 building, then we would take it on to the burning ground.

13 Q. Okay. So my question is: Did you wait -- did you
14 wait until you had a pretty full --

15 A. Right.

16 Q. -- bed?

17 A. Yes, sir.

18 Q. Okay. How did you know what buildings to go to to
19 pick up waste?

20 A. I can't remember how he got his information.

21 Q. Okay. If I can jog your memory a little, did he
22 have a set route, or did he wait for dispatchers to tell
23 him -- and I'm going to, by meaning him, mean Mr. Boone --
24 to pick up waste at their buildings?

25 A. We'd just go from building to building and check

1 and see that it wasn't -- when they had the waste out, we
2 would just pick it up and go from there.

3 Q. Do you recall sometimes if you or Mr. Boone got
4 phone calls from foremen at the particular buildings
5 saying, "You better come now to my building. I've got a
6 lot of waste, and I can't wait for you just to come to my
7 building during your regular time, regular schedule"?

8 A. No, sir. I can't remember that.

9 Q. Okay. All right, now. When you transported the
10 waste to the burning grounds, how far was the burning
11 grounds from the buildings where you picked up the waste?

12 A. In miles, I wouldn't know. But it was -- it was
13 long. It was a pretty good distance from the building.

14 Q. All right. How long did it take you to travel
15 there?

16 A. I couldn't say.

17 Q. Okay. Do you recall what barrels the trucks were
18 on Mr. -- excuse me -- what were the color of the barrels
19 on Mr. Boone's truck, the large barrels?

20 A. The color?

21 Q. Yeah.

22 A. No, sir.

23 Q. Do you recall how you and Mr. Boone decided what
24 barrels to pour the small containers into?

25 A. No, sir.

1 Q. Did you pour the small containers in any empty
2 barrel on Mr. Boone's truck?

3 A. Well, see, the barrel was up over -- I would be
4 standing on the ground. The barrel was up.

5 Q. Uh-huh.

6 A. So, really, I didn't see in the bottom of the
7 barrel. We would just take and pour it in, you know, over
8 the head, down.

9 Q. Okay.

10 A. Or stand on the tailgate of the truck and pour it
11 in.

12 Q. I guess my question is: Did you just use any
13 barrel that you could on Mr. Boone's truck for any
14 container, or did you only use certain barrels on Mr.
15 Boone's truck for certain containers?

16 A. No. We just used any of them. I would ask him
17 which -- which one of these barrels is supposed -- this
18 disposal goes into. He'd say, "It really doesn't matter."

19 Q. So you didn't -- am I correct in assuming that you
20 didn't segregate or separate the -- the containers? You
21 just -- you just poured them into any kind of empty
22 barrel --

23 A. Yes.

24 Q. -- is that correct? On Mr. Boone's truck?

25 A. Yes.

1 Q. Did it take you, what, ten minutes, or fifteen?
2 Or did it take you longer than ten or fifteen minutes to
3 get to the burial site after you -- with a full bed -- a
4 full-loaded truck?

5 A. I don't know.

6 Q. You don't remember?

7 A. I don't remember that part.

8 Q. Did you -- how would you describe Mr. Boone as an
9 employee?

10 A. As far as describing him, he was awkward to work
11 with. What I mean, dangerous, to my opinion.

12 Q. Why do you say that?

13 A. Because he'd -- he would take no cautions.

14 Q. Can you explain?

15 A. He'd go and just pour this stuff together, like I
16 say, in the containers.

17 Q. Without separating them?

18 A. Right. Then we'd get to the burning grounds.
19 He'd just pour the liquid right out with the raw material,
20 throw the paper, everything, right in together. He was
21 real careless.

22 Q. Why was that careless for Mr. Boone to do that?

23 A. I don't know.

24 Q. Now, are there any other reasons why you think Mr.
25 Boone was a -- a dangerous employee?

1 A. I can't think of any. No, sir.

2 Q. Do you recall how Mr. Boone would sometimes
3 dispose of detonators?

4 A. Are we talking about the ignition detonators or
5 the --

6 Q. (Indicating.)

7 A. I've seen him just throw them out the -- go to the
8 burning grounds, and he would just take one -- take a few
9 of them, throw them out over the field.

10 Q. What kind of detonators did Mr. Boone dispose of
11 in that manner?

12 A. There was an ejection and ignition detonators that
13 goes into the -- if I'm not mistaken, they went into the
14 flares, the 24 flares.

15 Q. Now what -- excuse me. Why were those detonators
16 disposed of? Why did Northrop want to get rid of those
17 detonators?

18 A. They was bad.

19 Q. They didn't come up to specifications?

20 A. Right.

21 Q. So, could you please describe for us again, I
22 don't think it was that clear in my mind, how Boone would
23 dispose of those detonators?

24 A. Well, I didn't work with him that long on them,
25 but when I worked with him, we -- we had a lower burning

1 ground where we would take, back then what they call, the
2 paper waste, you know, just burn -- stuff that will burn.

3 Q. Uh-huh. This is called the lower burning ground,
4 huh?

5 A. Down at the -- where the dye and finishing plant's
6 at now.

7 Q. This is where the Asheville Dye Finishing Plant is
8 now?

9 A. Yes.

10 Q. This is land that was sold --

11 A. Right.

12 Q. -- By Northrop to Asheville Dye?

13 A. Yes, sir.

14 Q. But, at the time, it was Northrop property?

15 A. Yes.

16 Q. Okay. Could you explain, again, how that
17 happened? What he did?

18 A. We'd take some of the ejections down there, and he
19 would just pour them out on the ground with the paper
20 waste. And we wasn't supposed to carry any matches, no
21 kind of spark.

22 Q. Okay.

23 A. But he would just take a match and light that
24 stuff.

25 Q. Right where Asheville -- right where Asheville Dye

1 is now?

2 A. Uh-huh.

3 A. Yes, sir.

4 Q. You saw that with your own eyes?

5 A. Yes, sir.

6 Q. Did other people at Northrop know about Mr. Boone
7 doing things like that?

8 A. I don't know.

9 Q. Did you ever hear anything about Mr. Boone from
10 other employees?

11 A. Yes, sir.

12 Q. What kind of stories did you hear from other
13 employees?

14 A. Various things.

15 Q. Do you remember any of those stories?

16 A. I can remember them, but they're so -- faintly,
17 you know.

18 MR. McCALL: Excuse me a minute, Mr. Zuckerman. I
19 do need to make a phone call back down to South Carolina.

20 MR. ZUCKERMAN: Okay.

21 MR. McCALL: And if we can take just a short
22 break.

23 MR. ZUCKERMAN: Yeah, sure.

24 MR. McCALL: I apologize.

25 MR. ZUCKERMAN: No. That's all right. All right.

1 It's 10:15. Is that correct?

2 MR. McCALL: 10:15.

3 MR. ZUCKERMAN: All right. If we can be back at
4 10:25.

5 MR. McCALL: That would be great.

6 MR. ZUCKERMAN: All right. Let's take a short
7 recess.

8 (Recess.)

9 MR. ZUCKERMAN: Okay. We'll go back on the
10 record.

11 BY MR. ZUCKERMAN:

12 Q. Okay, (b)(6). I think when we took a
13 break --

14 MR. McCALL: (b)(6).

15 BY MR. ZUCKERMAN:

16 Q. I'm sorry. I deposed (b)(6), a person that
17 you worked with, in (b)(6). So, for a second
18 I thought I was deposing him again.

19 A. Yes.

20 Q. Before the break a few minutes ago, we talked
21 about Mr. Boone, and I'm curious. Did Mr. Boone's
22 supervisors know what he was doing, the way he was
23 disposing of waste?

24 MR. WARNER: Objection. Conclusionary. No
25 foundation.

1 BY MR. ZUCKERMAN:

2 Q. Let me ask you if you know -- if you know if Mr.
3 Boone's supervisors knew about the way he was disposing of
4 waste?

5 MR. WARNER: Same objection.

6 BY MR. ZUCKERMAN:

7 Q. You can answer.

8 A. I'd ask them -- tell them the way Boone was
9 doing -- (b)(6) -- and just about everybody you would
10 mention it to, they would just smile, and say, "Well, you
11 know how Boone is."

12 Q. You actually told (b)(6) the supervisor,
13 about Mr. Boone's waste disposal practices?

14 A. I'd -- I'd tell them about the way he was
15 a'handling the material. And they'd say, "Well, you know
16 how Boone is."

17 Q. Why did you feel the need to tell (b)(6)?

18 A. Because I was -- (b)(6)

19 (b)(6).

20 Q. So (b)(6) didn't seem too concerned about it; is
21 that correct?

22 A. Correct. Yes, sir.

23 Q. I take it then, correct me if I'm wrong, that Mr.
24 Boone was kind of a plant joke; is that correct?

25 A. Yes, sir.

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23 A. Yes, sir. I asked him, wasn't he scared that
24 stuff would ignite; no, he'd say. So I just stayed down in
25 the bunker. They had a bunker. I wouldn't walk up there

1 with him. I was too -- whatever.

2 Q. Where was the bunker? How far was the bunker from
3 where Boone was?

4 A. It was a bunker we would get into to see that
5 the -- when you ignite the burning ditch where the
6 explosives and the waste was, they had a mirror set in it
7 where you could sit and look through the mirror and see
8 this stuff ignite and make sure it ignited, burned. It was
9 a clear view through the mirror of the whole ditch.

10 Q. I see. We'll talk about burning a little later,
11 but I have a few more questions about Mr. Boone.

12 Do you know if Mr. Boone would ever run out of
13 black powder and take toilet paper and throw that on the --
14 on the flame?

15 MR. WARNER: Objection. Leading and suggestive.

16 BY MR. ZUCKERMAN:

17 Q. You can answer.

18 A. No, sir. I --

19 Q. You've never seen that?

20 A. No, sir.

21 Q. I'd like to ask you again about the detonators.
22 We talked a little bit about that before we took the break.
23 And, now, were you with Mr. -- were you ever with Mr. Boone
24 when he disposed of detonators around Bee Tree Creek?

25 A. I was with him several -- well, I was with him

1 occasionally when we would go down and have the waste on
2 the truck, and he'd take those detonators and throw them
3 like a -- what do you call these?

4 Q. Discus?

5 A. Discus. --

6 Q. Why did he do that?

7 MR. WARNER: Objection. Conclusionary.
8 Suggestive.

9 MR. ZUCKERMAN: I'll reframe the question.

10 BY MR. ZUCKERMAN:

11 Q. Do you know why he would do that?

12 A. He would just be a'playing around there.

13 Q. Did you see him do this?

14 A. Yes, sir.

15 Q. With your own eyes?

16 A. Yes, sir.

17 Q. Where -- it was near Bee Tree Creek, you say; is
18 that correct?

19 A. Yes, sir.

20 Q. How far were the buildings from where he was doing
21 this?

22 A. I couldn't say in feet. It was --

23 Q. Walking. How long would it take to walk to the
24 buildings from where he was throwing these detonators
25 around?

1 A. Oh, it would take a good five, ten minutes.

2 Q. Five, ten minutes. Now when he was throwing these
3 detonators, he was throwing them every way his head turned?
4 Is that how he did it?

5 A. No. He just -- he told me, he said, "There is no
6 danger in this." He said, "Watch this." You know. And
7 he'd just reach and get him one and throw it out over the
8 creek bank or whichever way he was heading -- his body was
9 turned at the present. That's the way the thing would go.

10 Q. How many detonators did he discard of in that
11 fashion?

12 A. I really don't know. He started playing with the
13 stuff, and I went back and sat in the cab of the truck to
14 get away from him.

15 Q. Did you report that to anybody? Strike that. Did
16 you report his way of disposing of detonators near Bee Tree
17 Creek to anybody?

18 A. I've talked to them about his conduct with the
19 material, but I can't recall one specific thing, discussing
20 one specific thing with them.

21 Q. Okay. How many times did you talk with
22 supervisors about the way Boone disposed of waste?

23 A. I wouldn't know how many times, but it's been
24 brought up on several occasions to them.

25 Q. And each time they just said something to the

1 effect, "Well, that's Boone"?

2 A. Just made it kind of a joke. "Well, that's Boone
3 for you, you know."

4 Q. Do you know -- excuse me. I'm sorry. Were you
5 going to say something? _____

6 A. Let me finish the question up. Boone -- they took
7 Boone as a -- I'd say a dirty detail man, you know, clean
8 up just anything. They could give him a job of doing just
9 anything, and Boone would go ahead and do it with no
10 questions.

11 Q. With his own special flair, huh?

12 A. He would just jump into anything.

13 Q. Did you speak to other supervisors at Northrop
14 about Boone besides (b)(6) ?

15 A. No, sir.

16 Q. How did the other material handlers and other
17 waste disposal people think about Mr. Boone as an employee?
18 The same as you?

19 MR. WARNER: Objection. Speculative. Conjecture.

20 THE DEPONENT: They would --

21 MR. ZUCKERMAN: Strike that. I'm going to reframe
22 the question.

23 BY MR. ZUCKERMAN:

24 Q. Do you know if the other Northrop material
25 handlers and waste disposers shared your opinion of Mr.

1 Boone as an employee?

2 MR. WARNER: Objection. No foundation.

3 BY MR. ZUCKERMAN:

4 Q. You can answer that question.

5 A. Yes. _____

6 Q. And what was their opinion?

7 A. They was, same as I was, working with him; they
8 didn't like to work with him that well.

9 Q. How do you know that?

10 A. Because they would tell me that he was reckless,
11 careless of handling this stuff.

12 Q. Do you recall the names of the other Northrop
13 employees who told you they felt that way about Boone?

14 A. I'm trying to think of some of their names now.

15 Q. It's been a long time.

16 A. I know (b)(6) felt the same way about him.

17 Q. Did he often tell you about Boone?

18 A. Yeah.

19 Q. That he was scared with -- about working with
20 Boone?

21 A. Yes, sir.

22 Q. Do you recall if (b)(6) ever told you that?

23 A. He told me that Boone was reckless, was dangerous
24 to work with.

25 Q. Did you -- strike that. How did you feel about

1 working on the trash detail?

2 A. I didn't like it.

3 Q. And was one of the primary reasons why you didn't
4 like it because you would be working with Boone?

5 A. Yes, sir. _____

6 MR. WARNER: Objection. Suggestive. Leading. No
7 foundation.

8 BY MR. ZUCKERMAN:

9 Q. Why didn't you like working on the trash detail?

10 A. Boone was just too reckless.

11 Q. All right. I'm going to switch a little bit. I
12 want to -- I want to ask you now about your main job. And
13 your main job was material handler, correct?

14 A. Right. Yes, sir.

15 Q. Okay. Did you have a typical type of daily
16 routine as a material handler?

17 A. Yes, sir.

18 Q. Could you describe that for us?

19 A. We was assigned to buildings. Like I would be
20 assigned to 114, 107, 113. Then some of the other guys
21 would be assigned to other buildings. We had so many
22 buildings we covered, taking the material in, bringing the
23 material out.

24 Q. Okay. Who gave you your assignment?

25 A. (b)(6) .

1 Q. (b)(6) ?

2 A. Uh-huh.

3 Q. Was he always your supervisor?

4 A. Yes, sir.

5 Q. During the entire time that you worked at
6 Northrop?

7 A. No, sir. He -- when the work got low on the hill,
8 then I was transferred to the shipping department where
9 they receive containers like tubes, aluminum.

10 Q. When you say work got slow on the hill, what do
11 you mean by the term hill?

12 A. That's where they made the explosives in the --

13 Q. Oh, I see.

14 A. -- liquid form.

15 Q. Okay. So that's the manufacturing part of the
16 plant?

17 A. Right. Yes.

18 Q. Okay. I got you. But am I correct in stating or
19 thinking that (b)(6) was your supervisor during the
20 great majority of the time that you worked at --

21 A. Yes.

22 Q. Most of the days that you worked at Northrop.
23 Okay. So, how did you decide to go in what particular
24 building? Let's -- let's -- could you give us your
25 step-by-step routine as a material handler?

1 A. We had what they call dispatchers.

2 Q. Uh-huh.

3 A. They would go from building to building to check
4 to see what was needed in that building.

5 Q. Okay. _____

6 A. So, they'd have a little piece of paper. They'd
7 write down -- we had RI numbers like --

8 Q. Excuse me. I'm going to interrupt. What's an RI?
9 I don't know.

10 A. That's the number on the box. Like a shipment
11 came in, they'd put an RI number on it. It goes with
12 certain lots of this stuff to ship back out when they got
13 it made.

14 Q. Okay.

15 A. That was their way of keeping up with the
16 quantity, some of -- some of the way with their quantity
17 and the shipments.

18 Q. All right. Continue. Now, I understand.

19 A. Anyhow, they would go around. The dispatcher,
20 he'd take a sheet of paper and write down -- say, they was
21 low in 114. I can recall they had potassium nitrate in
22 that building, for the first fire, that they made into
23 powder, and the magnesium and the sodium nitrate. And some
24 of this stuff I can't remember the names of.

25 Q. That's okay.

1 A. But they'd see how low they was on it. And then
2 they'd bring us the list back, see how much had to come out
3 that they had already prepared to take out. But this 114,
4 this one building, we would just haul it in, and then they
5 had another group that worked in another section that came
6 in and got the powder and took it to the mullers to be
7 mulled and to a'mull it all together to make pellets and
8 different things with.

9 Then it -- we'd take the material as they would
10 give it to us, the list, to the building. Then if any was
11 to come out, we'd bring it out, take it to the storage
12 area.

13 Q. Where were the storage areas where you got the
14 materials to give to the building foreman, I guess?

15 A. Would you repeat the question?

16 Q. Yes. Sure. Where -- where did you -- where were
17 the raw materials stored at the plant?

18 A. They was stored in different areas of the plant.

19 Q. Different areas?

20 A. The -- like the magnesium, it was stored in a
21 field beside of Building 140, I believe was the number of
22 that building, 139 or 140. And, sodium nitrate, it would
23 be stored in another building. I can't recall the number
24 of the buildings. Then the potassium, the explosives, they
25 would be stored in a -- maybe a trailer with a Class A

1 Explosive wrote on the side of it.

2 Q. Class A meant what?

3 A. Sir?

4 Q. Class A meant what?

5 A. Explosives. _____

6 Q. Explosives. Okay. As a material handler, did you
7 have any protective gear or clothing?

8 A. We had some, but they wasn't the greatest.

9 Q. Can you explain?

10 A. Yes, sir. We had coveralls that we put on to go
11 into these buildings where we used CS-1, the building where
12 the gas was at, to get the stuff, bring it out, but the
13 coveralls would be ripped, maybe, at the leg or on the arm,
14 the seams. And then we had a light surgical mask to put
15 over our face and a pair of safety glasses with the little
16 flap on the -- what you -- blind, I guess, on the side --

17 Q. Okay. Okay.

18 A. -- to protect you. And we'd load this stuff. Go
19 in with that kind of -- and we had safety shoes.

20 Q. Can you describe those?

21 A. Sir?

22 Q. Could you describe the safety shoes?

23 A. They was a brown oxford with steel toes in them.
24 And they said it would take the static electricity out of
25 our body, be grounded.

1 Q. Would you describe your coveralls as torn and
2 raggedy?

3 A. Yes, sir.

4 Q. How would you describe the safety shoes in terms
5 of conditioning -- condition of the safety shoes?

6 A. They was good.

7 Q. They were good. Not like the coveralls?

8 A. No, sir.

9 Q. Did you ever -- strike that. Were the coveralls
10 mended?

11 A. Mended. You mean --

12 Q. Meaning: How would they rectify the situation
13 with the tears on the arms and --

14 A. We'd go -- they'd issue us coveralls.

15 Q. Yeah.

16 A. And they would be washed -- they did their own
17 laundry there in the plant.

18 Q. Uh-huh.

19 A. And if they had a tear place on them, if they
20 didn't have no more, we would just have to take a piece of
21 masking tape and tape over that and make do with it.

22 Q. How long did you wear coveralls with masking tape?

23 A. Until they got contaminated so bad that you
24 couldn't wear them, and then we would turn them back in.

25 Q. How long would that take?

1 A. Sometimes it wouldn't take too long. All depends
2 on what material you was using.

3 Q. Would you ever work a month with coveralls with
4 masking tape on it -- on them?

5 A. No, sir. It varies from day to day.

6 Q. Was it easy to get new coveralls at Northrop?

7 A. It was for awhile, and then they -- on up in, I
8 would say, a couple years or three after I'd been there,
9 they said they had a cutback on some things, and we had to
10 make these things last a little longer and try not to get
11 them so contaminated.

12 Q. That's what they told you?

13 A. Uh-huh.

14 Q. Did anybody ever complain about not getting new
15 coveralls immediately and having to wait a long time, after
16 they announced that new policy?

17 A. Well, I did.

18 Q. Who did you complain to?

19 A. I talked to the other driver -- the other workers
20 about it.

21 Q. What did they say?

22 A. They felt the same way I did. Then we went to (b)(6)
23 (b)(6) and asked him about, couldn't we get better
24 coveralls when we went into these places. And they'd
25 always come back with: The men that worked, exposed, right

1 in the area all day, they needed the best, you know, to
2 stay in that place. Like CS-1. They needed to come first,
3 in other words. That's my impression of it.

4 Q. Was it also (b)(6) who announced this new
5 policy of -- of making workers like you having to use --
6 have to use these coveralls for a longer period of time?

7 A. I don't know exactly who announced it. I can't
8 recall that --

9 Q. Who told you --

10 A. -- name.

11 Q. -- about it?

12 A. When we would go out to check them out in the
13 laundry, (b)(6) was over the laundry.

14 Q. (b)(6)?

15 A. Yes. He'd say, now, we can just issue so many
16 pairs to you a day, or so many pairs out a day. That was
17 his orders. So I don't know who give him the orders to
18 pass it on to us.

19 Q. How long did this new policy last? Until you left
20 Northrop?

21 A. Yes, sir.

22 Q. So it lasted, am I correct, about one year? Your
23 last year at Northrop?

24 A. It lasted -- yes, sir.

25 Q. Did the men such as yourself ever think about

1 complaining to the plant manager about this new policy?

2 MR. WARNER: Objection. Speculating. Conjecture.
3 No foundation.

4 MR. ZUCKERMAN: I'll reframe it.

5 BY MR. ZUCKERMAN:

6 Q. Do you know if anybody at the plant complained to
7 someone higher than (b)(6) about the new policy
8 regarding coveralls?

9 A. I can't recall now.

10 Q. Did you ever complain to anybody other than (b)(6)
11 (b)(6)?

12 A. No, sir.

13 Q. Could you tell me what (b)(6) daily
14 involvement was with you and the other material handlers?

15 A. He was -- he stayed in the office a lot, but he'd
16 come around in the areas, make sure the trucks got loaded
17 out.

18 Q. Where was his office?

19 A. It was in 128.

20 Q. 128?

21 A. Building 128.

22 Q. Building 128. What else did he do that you
23 recall?

24 A. He'd go around to check the buildings, see that
25 they wasn't overloaded.

1 Q. Could you explain what overloaded means?

2 A. Yes, sir. I used these -- this is the ones that
3 comes to my mind, the Mark 24 flares.

4 Q. Okay.

5 A. We had a storage building for those. And I can --
6 you had so many quantities or flares that was allowed in
7 that one building. And if you get more than that, you had
8 to move them out to another building.

9 See, he'd make -- so he went around and checked on
10 that and tell us if they needed some to be moved, where to
11 move them to, because sometimes the production line would
12 really put them out, you know.

13 Q. Do you recall anything else in terms of contact
14 with you? Any other contact you had with (b)(6) ?

15 A. Yes, sir. I seen him all during the day.

16 Q. Do you remember what other types of things he
17 wanted you to do or check on?

18 A. Not right off, I can't.

19 Q. Okay. Can you tell me what kind of protective
20 clothing the people that were in the buildings -- not the
21 material handlers such as yourself or the waste disposers,
22 but the people that were actually working in the
23 buildings -- what kind of protective gear they wore?

24 MR. WARNER: Objection. Conjecture. Speculative.
25 No foundation. What buildings? What workers? What

1 product?

2 MR. ZUCKERMAN: You're correct. I'm going to
3 reframe that.

4 BY MR. ZUCKERMAN:

5 Q. Do you know, (b)(6), what the workers in
6 Building 113, for example, wore during their work days?

7 A. They had on asbest -- I mean, excuse me, air
8 suits.

9 Q. How do you know that?

10 A. Because we would carry them. When they need a
11 suit, we'd go to the storeroom and get a requisition wrote
12 out from their foreman. I can't remember his name. Then
13 we'd take it down and get a (b)(6) to sign it.

14 Q. (b)(6)? (b)(6)?

15 A. Yes, sir. And then we'd take it on to the
16 storeroom, and then they would give it to us, and then we
17 would carry it back to them, such as: air hose, hoods,
18 coveralls, then a plastic -- the best of my knowledge, a
19 plastic air hose, and they'd hook them into -- the air
20 hose, into a wall where they could breathe while they was
21 under all this gear.

22 Q. Did you ever see them wear the protective gear?

23 A. Yes.

24 Q. How often did you see them?

25 A. Every time I would go to the building to get the

1 material out. They'd mostly have it set at the door, but
2 you could see in the door there where they was walking
3 around, putting this stuff in a big vat, pouring it down in
4 there, mixing the ingredients, which I don't know what --
5 how that operated in the building, but I did see them with
6 the suits on.

7 Q. And I take it you took the finished product, the
8 CS, out of the building; is that correct?

9 A. They'd set it at the door.

10 Q. Set it at the door?

11 A. Yes, sir.

12 Q. Did that ever cause you any physical ailments,
13 picking up the CS?

14 A. I've got it on me a lot of times. I'd have --
15 when I'd go to pick up the CS, if it wasn't washed off the
16 barrel that it was packed in or wasn't blowed off the
17 bags -- when I'm talking about the barrel, now, they put --
18 put the CS in bags, sew the bags on the end, and then put
19 it in a barrel, and then put a big lid on it and a ring
20 around the barrel to seal it in, sealed under the lid. But
21 if they didn't get it all off the outside of the barrel,
22 when the material handler goes to get it, if there's any
23 left on there, we would get it in our face.

24 Q. From the outside of the barrels?

25 A. Right. Yes, sir. We wasn't protected from it;

1 just a little mask on and little glasses. Now I have got
2 it on me so bad I went to the first aid, and she put
3 ointment, some kind of cream, on my face.

4 Q. How often did you go to the first-aid station?

5 A. That was the only time.

6 Q. But you say you got it on you many times?

7 A. Yes, sir.

8 Q. But only one time so -- made you so sick that you
9 saw -- went to the first-aid station?

10 A. Yes.

11 Q. How did you pick up the barrels? Did you have
12 some kind of machine to help you pick it up, or could you
13 just do it manually, just with your hands, pick up the
14 barrel?

15 A. I'll describe it the best way I can.

16 Q. Sure.

17 A. We'd go up, and if the forklift was in use on
18 another job, we'd take -- we had gloves, work gloves; put
19 them on. And a man on each side of the barrel would pick
20 it up. The barrel weighed, if I'm not mistaken, about 180
21 pounds.

22 Q. That's a heavy barrel.

23 A. Set it up on the back of the truck and then get up
24 and roll it on in.

25 Q. So sometimes you had the use of a forklift?

1 A. We had the use of a forklift. But if the forklift
2 was tied up at the present, we'd use --

3 Q. Just lift it?

4 A. To get it out of the way, so they'd have room
5 to -- what I'm talking about them --

6 Q. Yeah.

7 A. -- the ones that was making it, packing it, to
8 have room to put more out.

9 Q. Right. Did you ever -- did the CS ever spill from
10 the barrels? Ever leak from the barrels? The finished
11 product?

12 A. I can't remember --

13 Q. Okay.

14 A. -- about leaking from the barrel.

15 Q. Were there any -- getting back to not just CS but
16 any other chemicals, how were the other chemicals that you
17 dealt with contained? You told us about the CS bags. But
18 how about the other chemicals?

19 A. There was a -- stuff that went into the CS, the
20 best of my knowledge, called a Ca -- Cab-O-Sil or something
21 in that line. It was packed in a bag, a dust form, real
22 fine, and it, to me, was just as strong as the CS itself.

23 And when it come in on trucks, what I'm saying, a
24 trailer load of it, they would park it at the building
25 where it would go into. It was up two stories.

1 We'd get in the trailer, load the bags on the
2 pallet, and then we'd have to get out and get our breath
3 because it was so strong, and then we'd take and put the
4 pallet on the ramp up overhead. Me and (b)(6)
5 worked in that. He would go in and unload off the pallet
6 and come out sick, and it just burned his whole insides up.

7 Q. How many times did that happen to (b)(6) to the
8 best of your recollection?

9 A. Every time we dealt with it. I can't recall, but
10 we worked in it quite a bit. And then when he would come
11 out, I would go in.

12 Q. What happened to you?

13 A. That's the reason I know it burns. It burns you,
14 makes you deathly sick, you get a dose of it so bad. You
15 know what I'm saying by a dose? You get it all over you,
16 the -- you have to get outside and just set and get some
17 air. But that truck had to be unloaded, and that was our
18 job, so we'd get it back in shape, do it again, until we
19 got everything.

20 And we had to walk -- like if the room was empty,
21 there would be the dust on the floor that thick all over
22 the walls. And we had to walk through that stuff with just
23 coveralls, safety glasses and little mask on, and start at
24 the far end and pack it, I would say, head high all the way
25 to this end.

1 Q. Did you or (b)(6) ever go to the nursing station
2 because of that situation?

3 A. I didn't. I -- I can't recall whether he did or
4 not.

5 Q. Okay. Now what was your shift? I don't think I
6 asked you that yet. What was your shift when you worked at
7 Northrop?

8 A. I worked (b)(6) most of the time, and then I
9 worked from 2 until 10, I believe.

10 Q. Uh-huh. What were the hours of -- of the second
11 shift? There was a second shift, wasn't there?

12 A. Yes, sir. I can't -- I can't recall right off.

13 Q. Could it have been around 4 to 12 or something
14 like that?

15 A. Could I --

16 Q. Oh, please.

17 A. On the (b)(6), some of us might go in at
18 10 -- 2 and some at 3. I have went in at 4:30 -- 3:30 in
19 the morning and worked until 2 in the day.

20 Q. Why did you do that? It wasn't your regular
21 hours.

22 A. They had a blend powder in a freezer set way off
23 up in the woods behind Building 107, and it was froze
24 powder. It went in the little battlefield flares. That
25 powder had to be thawed before they could press it.

1 It was our job -- my job to go get four containers
2 of that, bring it back down to Building 103 and put it in a
3 little room by itself for it to thaw, and that would give
4 it from 3:30.

5 Q. How long -- how many times -- how many days did
6 you do that kind of work where you had to work 3:30 all the
7 way to --

8 A. 2.

9 Q. -- 2?

10 A. We'd take time, a bout with it. When I say we,
11 like I might go in for a week on it, and then another guy
12 would take a week bout.

13 Q. Okay. And how many months did this last, this
14 kind of schedule?

15 A. I can't recall that.

16 Q. Do you recall what your pay was when you first
17 started working at Northrop?

18 A. No, sir.

19 Q. Do you recall what it was when you left Northrop?

20 A. (b)(6) an hour.

21 Q. (b)(6) an hour?

22 A. (Nodding.)

23 Q. Did you get a raise during the four years you
24 worked at Northrop?

25 A. Yes, sir.

- 1 Q. Do you recall approximately how big the raise was?
- 2 A. No, sir, I can't.
- 3 Q. Did you get more than one raise?
- 4 A. Yes, sir.
- 5 Q. Get a raise about every year or --
- 6 A. I can't recall.
- 7 Q. But your salary was (b)(6) an hour when you left --
- 8 A. Yes, sir.
- 9 Q. -- in either late '69 or early 1970? Is that
- 10 correct?
- 11 A. Yes, sir.
- 12 Q. Was that comparable to the salary of other -- do
- 13 you know -- strike that. Do you know if your wage of (b)(6)
- 14 an hour in late 1969 or early 1970 was about the same as
- 15 the other material handlers at Northrop?
- 16 A. Could I answer that with a sentence?
- 17 Q. Yes.
- 18 A. Okay. I think it was the best paying job as far
- 19 as pay that was around at that time.
- 20 Q. In the Asheville area?
- 21 A. As far as a laborer.
- 22 Q. As far as a laborer?
- 23 A. It was fair pay.
- 24 Q. It was fair pay? Did --
- 25 A. Yes, sir.

1 Q. Did the other material handlers receive about the
2 same?

3 A. Yes.

4 Q. (b)(6) How about the waste disposal workers? Did
5 they receive the same as you? Guys like (b)(6) and Boone?

6 A. I don't know.

7 Q. But you do know about the other material handlers,
8 how much they were paid?

9 A. They was paid the same.

10 Q. How do you know that?

11 A. Because we've all talked about it, discussed it
12 amongst ourselves before.

13 Q. Did anybody -- do you know if anybody at the
14 Northrop facility -- excuse me -- received extra pay for
15 working with hazardous chemicals?

16 A. I don't know.

17 Q. Did you ever receive extra pay for working as a
18 material handler or waste disposer with hazardous
19 chemicals?

20 A. No, sir.

21 Q. Just your straight salary then?

22 A. Yes, sir.

23 Q. Now, did you receive any -- did you go to any
24 classes and get any training or education about the dangers
25 of chemicals when you worked at Northrop, either as a waste

1 disposer or as a material handler?

2 A. No, sir.

3 Q. Do you know if anybody -- strike that. Do you
4 know if any other material handlers received any training
5 or went to any classes about the dangers of chemicals?

6 A. I don't know.

7 Q. Do you know if any waste disposal handlers, guys
8 like (b)(6) or Boone, received any training or went to any
9 classes about the dangers of hazardous chemicals?

10 A. No, sir.

11 Q. Do you think that there were any such classes?

12 A. I never did see -- hear of any.

13 Q. All right. Were there any -- excuse me. Strike
14 that. Do you have any knowledge of any safety procedures
15 at Northrop in the event of fires?

16 A. Let me let you repeat that question again.

17 Q. Okay. Sure. Do you know if Northrop had any
18 plans in the case of a fire? Safety plans in the event of
19 a fire?

20 A. The only thing that I was aware of, like if a
21 building or something would get on fire, for us to get down
22 to the -- what I'm saying, get down, go down to the main
23 building as safe and as quick as possible.

24 Q. What number was that building, as you recall?
25 105?

1 A. No, sir. It was at the gate. 101.

2 Q. 101. And who told you about that plan?

3 A. I can't recall right off. They said -- it was
4 told to us -- until they finally determined what caused the
5 fire, or where it was coming, you know, and all for us.

6 Q. Do you recall any fire drills during the time you
7 were at Northrop?

8 A. No, sir.

9 Q. No fire drills?

10 A. I can't remember of any.

11 Q. Did Northrop have any safety plan in the event of
12 a chemical spill?

13 MR. WARNER: Objection. No foundation.
14 Conclusionary.

15 THE DEPONENT: I can't --

16 MR. WARNER: Speculative.

17 MR. ZUCKERMAN: I'll -- let me reframe that
18 question.

19 BY MR. ZUCKERMAN:

20 Q. Do you know if Northrop had any safety plans in
21 the event of chemical spills?

22 MR. WARNER: Same objection.

23 BY MR. ZUCKERMAN:

24 Q. You can answer.

25 A. I can't remember that.

1 Q. So I take it you -- you don't know of any safety
2 plans in the event of chemical spills?

3 A. No, sir.

4 Q. Okay. Do you know if Northrop had, during the
5 time that you worked at Northrop, any safety plans in the
6 event of chemical leaks?

7 MR. WARNER: Same objection.

8 BY MR. ZUCKERMAN:

9 Q. You can answer.

10 A. I don't know of any. No, sir.

11 Q. No one told you of any?

12 A. No, sir.

13 Q. Do you recall if Northrop had a safety manual or
14 binder?

15 A. I don't remember on that.

16 Q. Who was the -- well, let me ask you this. How did
17 you learn about chemicals if you had no classes or
18 training?

19 A. How to work with them?

20 Q. Yes.

21 A. They'd put -- in my case, when I was hired in, I
22 was put with somebody who had more seniority, what you would
23 call, had more experience in it, just another material
24 handler, and then they'd show me what they knowed, and then
25 I would go from there.

1 Q. And that was it? That was the sum and substance
2 of your knowledge about chemicals? What you learned from
3 another material handler?

4 A. Yes, sir.

5 Q. Do you know if that material handler went to any
6 classes or received any training on chemicals from
7 Northrop?

8 A. No, sir, I don't.

9 Q. Do you recall if Northrop regularly introduced new
10 chemicals to the plant?

11 A. I can't remember that.

12 MR. WARNER: Objection. No foundation.
13 Speculation. Conjecture.

14 BY MR. ZUCKERMAN:

15 Q. You can answer the question. Do you remember the
16 question?

17 A. I can't remember.

18 Q. Okay. Okay. Were there any warning labels -- to
19 the best of your memory, do you recall any warning labels
20 on any of the containers?

21 A. On the cans?

22 Q. Yeah.

23 A. Yeah. They had -- like -- excuse me. On the red
24 containers, they had -- some of them had Explosive A or --
25 or on the drums, it had a triangle shape like that, yellow,

1 with a poison sign wrote in it, like some of the liquid
2 forms.

3 Q. Okay. Do you recall any accidents while you were
4 working at the Northrop plant?

5 A. Yes, sir.

6 Q. What accidents do you recall?

7 A. I can recall of one accident where this (b)(6)
8 (b)(6) was pressing pellets. I forget the name of the
9 pellets. But that was some of the first fire powder I
10 talked about earlier. And he --

11 Q. What building was this in?

12 A. This is -- I can't remember the building number.

13 Q. Okay.

14 A. But he went in to cut his machine off when the
15 pellets got pressed, went around to take a container -- the
16 machine would alternate like this. The powder was up here.
17 And as it goes down through the little holes, it would come
18 out in the pellet form, little round pellet like that,
19 about as round as a nickel and real thin, and it goes into
20 the container. So when he goes around to take the
21 container out, he got the container out, but one of the
22 pellets went out, and it blowed him against the wall.

23 Now the reason I know this, I was just down the
24 street away, and when they blowed him against the wall, it
25 caught him on fire. All of his hair burned. Eyelashes all

1 got burned off, burned around his eyes. A piece of the
2 machinery hit him in the side, in the stomach, and knocked
3 him unconscious.

4 So he said -- said the doctor -- he told me the
5 doctor told him that's the only thing, really, that
6 probably saved his life, when it knocked the breath out of
7 him, it kept him from sucking the fumes or the flames down.

8 Q. Uh-huh.

9 A. And they told me and (b)(6) to go up and
10 get the powder out of the building before the safety men
11 got there.

12 Q. Who told you to do that?

13 A. (b)(6) (sic).

14 Q. (b)(6)?

15 A. I believe it was -- I'm pretty sure it was (b)(6)
16 (b)(6).

17 Q. Was (b)(6) your afternoon supervisor?

18 A. He was there --

19 Q. Second shift?

20 A. -- and the superintendent, in the afternoon.

21 Q. So when you worked in the afternoon, he was your
22 immediate boss sometimes?

23 A. Yes, sir.

24 Q. Although (b)(6) was always your overall boss?

25 A. Right. Yes.

1 Q. Okay. So you think -- do you recall, (b)(6) told
2 you to do that?

3 A. The best of my knowledge.

4 Q. Uh-huh.

5 A. So, we go up to the building, the same bay that he
6 got blowed in, with nothing on but the coveralls, take the
7 rest of the powder out. I can't remember what building we
8 was storing it in at that time. And there was pieces of
9 meat from the man's hand still on the wall when we went in.

10 Q. Oh, geez. What kind of powder was that?

11 A. It was the -- the powder where they mix it at 114
12 and another building they had up there. It was where they
13 mixed the powder. And I can't recall the name of it -- I
14 mean the number of the other building -- and I don't know
15 whether it come from 114 or the other blender, the powder
16 that they was pressing at that time.

17 Q. Why did (b)(6) want you and (b)(6) to hide that
18 powder?

19 A. Safety precautions; keep the safety man, which is
20 (b)(6) --

21 Q. Why was he afraid of (b)(6) seeing it?

22 A. He was afraid it would be overloaded.

23 Q. Okay. Did you -- did you ever accompany --
24 getting now back to waste disposal for a second. Did you
25 ever go with Mr. Boone or (b)(6) when they actually burned

1 the waste?

2 A. The best of my knowledge, I went with Boone one
3 time. He carried the powder under his arm.

4 Q. Could you describe for us, as best you can
5 recollect, how Boone burned the waste?

6 A. We'd get in the bunker. They had the powder. The
7 best of my knowledge, the powder was down in the building,
8 way away from the ditch. We'd take the powder and make it
9 in a -- from the ditch, like back down so far, and then put
10 a -- where we could get into the bunker, in safety, and set
11 it off with an ignitor, and then it would run that powder
12 into the ditch and burn the ditch out. But the way he was
13 carrying the powder, with the -- unsafe.

14 Q. Did you -- well, just let me ask you. Is that the
15 reason why you never went with him again --

16 A. Yes, sir.

17 Q. -- to the burning ground?

18 A. I tried to stay away from Boone.

19 Q. How did you feel about (b)(6) as an
20 employee?

21 A. I worked with (b)(6) as a material handler, and I
22 worked with him on the trash truck, occasionally, and he
23 was a lot safer than Boone. He was good to work with.
24 What I'm saying, we'd take our time and keep this stuff
25 kind of separated the way it's supposed to be.

1 Q. Were there any records -- did you -- excuse me.
2 Strike that. Did you keep any records when you were on the
3 waste disposal or trash detail outfit about what you were
4 disposing, how much you were disposing, where you were
5 disposing of it? _____

6 A. No, sir.

7 Q. Do you know if anybody else at Northrop kept any
8 such records?

9 A. No, I don't.

10 Q. Do you think they kept such records?

11 A. I don't know.

12 Q. You don't recall anybody telling you whether there
13 were such records though?

14 A. No, sir.

15 MR. McCALL: Excuse me, gentlemen. It is 11:20,
16 and we maybe could let (b)(6) again, take a break and
17 get some water.

18 MR. ZUCKERMAN: Okay. I made the mistake of
19 (b)(6). You made the mistake of (b)(6).

20 MR. McCALL: (b)(6). Golly.

21 (Recess.)

22 MR. ZUCKERMAN: Back on the record.

23 VIDEO TECHNICIAN: This is the beginning of tape
24 two of the videotaped deposition of (b)(6).

25 BY MR. ZUCKERMAN:

1 Q. Let me bring you back, (b)(6), to the question
2 I asked earlier, and we talked about the protective gear
3 and about Northrop's policy which it introduced in about
4 1969, making the workers use their coveralls for a longer
5 period of time before getting replacements. Do you recall
6 that conversation, those questionings -- questions I asked?

7 A. Uh-huh.

8 Q. Did Northrop have a similar policy about surgical
9 masks, about making the workers use the surgical masks for
10 a longer period of time?

11 A. Well, as a material handler, I forget exactly who
12 told us this, but we could wear our masks longer than the
13 ones that works in the building, you know, the ones that
14 are exposed directly with the stuff. They felt like we
15 could make ours last a longer period of time because we'd
16 go and load this stuff, and when we'd get through unloading
17 it, we could take the mask off and rewear it again.

18 Q. So those masks were -- were washed as well as the
19 coveralls; is that correct?

20 A. No, sir. They was disposable masks.

21 Q. They were disposable masks?

22 A. (Nodding.)

23 Q. But you wore them many times before you disposed
24 of them; is that correct?

25 A. Yes.

1 Q. And am -- am I correct in stating that about the
2 time that Northrop introduced its new policy about making
3 the workers use the coveralls for a longer period of time
4 than they had before that they had a similar policy about
5 the surgical masks?

6 MR. WARNER: Objection. Suggestive. Leading. No
7 foundation.

8 BY MR. ZUCKERMAN:

9 Q. Is that -- you can answer.

10 A. Well, repeat the question.

11 Q. I'm sorry. I was just wondering: Am I correct in
12 thinking that at the same time that Northrop said to the
13 workers, "You have to use your coveralls for a longer
14 period of time than you did before," they also said,
15 "You're going to have to use your surgical masks for a
16 longer period of time than you did before."

17 A. Let me state it just the way it was to us.

18 Q. Sure.

19 A. In a day's shift, we'd go in. We would be issued
20 a pair of coveralls. Like I said earlier about the masks,
21 we wasn't in the, they say, in the raw material plant. We
22 was the material handlers, and our coveralls didn't --
23 wouldn't get contaminated as bad as the ones that was
24 directly in the contact with it.

25 But we'd still get direct contact with it when it

1 was left on the containers that we moved, and our coveralls
2 would get contaminated, I would say, sometimes maybe worse
3 than the ones -- but they wanted us to try to wear that
4 pair of coveralls the whole shift, if possible. You know
5 what I mean by that? _____

6 See, we wore our street clothes, too. We could
7 wear our street clothes on some of this stuff, moving it,
8 when we were moving it, and -- but the coveralls, when they
9 got contaminated too bad, you just couldn't wear them. You
10 had to dispose of them. What I -- what I mean, turn them
11 back into the laundry and let them rewash them, reclean
12 them.

13 Q. Okay. The coveralls were washed every day. Did
14 you turn them into the laundry every day?

15 A. Yes, sir.

16 Q. Were they treated with any kill solution or
17 neutralization solution?

18 A. They was treated with a flammatory --

19 Q. Retardant?

20 A. -- solution. Flame, you know -- control the
21 flameproof on it.

22 Q. But that's the only thing they were treated with?

23 A. That's all I know of.

24 Q. No one ever told you that they were neutralized
25 with a so-called kill solution or anything?

1 A. No, sir.

2 Q. Okay. Now let me get back to -- I don't want to
3 be a pest, but let me get back to the surgical masks for a
4 second. Did they -- did Northrop ever tell you, like they
5 did with the coveralls, -- "Hey, you're going to have to use
6 these surgical masks a little longer before disposing of
7 them now than you did before"?

8 A. Let me explain something about the surgical masks,
9 too, now. We'd go into the CS-1, CS-2, the real strong
10 powder stuff. We would have to wear, like, two or three of
11 those masks at one time because, one, it'd just go right on
12 through; number two, it wouldn't help that much. But,
13 really, number three, it would check it up, but you would
14 still get it on there, around our mouth, burning around the
15 mouth area, and the nose area, because the masks was just a
16 little old surgical mask like a doctor would wear. It was
17 real thin. But, as far as the masks, I don't recall them
18 directly telling us to --

19 Q. Oh, okay.

20 A. -- cut back on the masks.

21 Q. I see. You remember they said cut back with the
22 coveralls --

23 A. Yes.

24 Q. -- but you just don't remember them saying the
25 same things about the masks?

15
1 A. Right.

2 Q. Okay. That's all I need. Do you know if Northrop
3 was, you know -- strike that. You say that Northrop was
4 concerned about spending too much money on the coveralls,
5 and they announced a new policy. Did they ever send, to
6 your knowledge, the coveralls out to be mended by somebody?

7 A. Yes, sir.

8 Q. How do you know that?

9 A. They'd send them to (b)(6) wife. She
10 mended them at her home.

11 Q. Do you know how long that lasted?

12 A. No, sir, I don't right off.

13 Q. Do you know if she got sick sewing the torn and
14 raggedy coveralls?

15 MR. WARNER: Objection. No foundation.

16 Conclusion and speculative.

17 BY MR. ZUCKERMAN:

18 Q. That's okay. You can go ahead and answer.

19 MR. WARNER: Calls for an opinion.

20 THE DEPONENT: As far as her getting sick, I've
21 heard (b)(6) talk about it.

22 BY MR. ZUCKERMAN:

23 Q. Okay.

24 A. But me, personally, I never did see her sick.

25 Q. So you have no personal knowledge?

1 A. No, sir.

2 Q. But you do recall (b)(6) telling you that she got
3 sick?

4 A. Yes, sir.

5 Q. Did he explain how she got sick?

6 A. He said she would get sick on her stomach.

7 Q. Any -- did he say it was caused by the fumes? Is
8 that what he said? In the coveralls -- from the coveralls?

9 A. I can't recall. I just know he said she got sick.

10 Q. And did he connect it with the coveralls, sewing
11 the coveralls?

12 A. I don't know.

13 Q. You don't recall. Do you recall if he said
14 anything about any other member of his family getting sick
15 in connection with --

16 A. No, sir.

17 Q. -- bringing the coveralls home? Did your family
18 ever suffer medical or physical discomfort because of your
19 clothes?

20 A. Yes, sir.

21 Q. Could you explain that for us?

22 A. When I would load that CS-1, right after I went to
23 work there, I guess, two or three months after I was at
24 work there, I went home one night, and I was working second
25 shift then, went home, and some of the stuff was still on

1 my street clothes, and (b)(6) and

2 (b)(6)

3

4

5

6 Q. How long was (b)(6) sick?

7 MR. WARNER: Objection. Objection.

8 THE DEPONENT: It wasn't long.

9 MR. ZUCKERMAN: Go right ahead.

10 MR. WARNER: Conclusionary. Suggestive. Leading
11 and contrary to the witness's testimony.

12 BY MR. ZUCKERMAN:

13 Q. Do you know how long (b)(6) was sick? You can go
14 ahead and answer that.

15 MR. WARNER: Same objection.

16 THE DEPONENT: I can't recall, but it wasn't too

17 (b)(6)

18

19 BY MR. ZUCKERMAN:

20 Q. Did that happen -- that kind of thing happen
21 again, or did that just happen one time?

22 A. I can't recall that it happened again.

23 Q. Okay. Now, let's get back to the first-aid
24 station. Do you recall approximately how many times you
25 had to visit the first-aid station while you worked at

1 Northrop?

2 A. I can't recall how many times, but I kind of
3 recall the important times for my visits, you know. I had
4 to go -- I had to go on two different occasions that I know
5 of.

6 Q. That you can think of right now?

7 A. Yeah.

8 Q. Can you describe those occasions for us?

9 A. (b)(6)

10 (b)(6)

11

12 Q. Could you tell us everything about your first
13 visit to the first-aid station?

14 A. When I got the (b)(6) on me?

15 Q. When you got the (b)(6) on you.

16 A. Well, I was always told to take water and splash
17 on it, and then it would close the skin up, and --

18 Q. Who told you that?

19 A. (b)(6). And so I took water that night,

20 but, see, it wasn't explained to me whether it would be
21 cold water or hot water, and the water that I used was a

22 (b)(6). When it

23 (b)(6), (b)(6)

24 (b)(6)

25 (b)(6). (b)(6)

1 (b)(6) .

2 Q. Uh-huh.

3 A. (b)(6)

4 (b)(6)

5

6 Q. You mean after you saw the nurse or --

7 A. Uh-huh.

8 Q. What kind of cream did the nurse give you?

9 A. I can't recall what the name of the cream was.

10 But it was to take (b)(6) .

11 Q. Did she recommend that you see a doctor?

12 A. No, sir.

13 Q. Was --

14 A. Excuse me.

15 Q. Sure.

16 A. Let me back up on that one. (b)(6)

17 (b)(6)

18

19

20 Q. Do you remember the name of the nurse?

21 A. No, sir, I don't.

22 Q. Let's see if I can jog your memory. Was her first
23 name (b)(6) ?

24 A. There was one there named that, and then there
25 was, if I'm not mistaken, about two or three different

1 nurses worked in that period of time over there when I
2 worked. I can't remember their names.

3 Q. There was no doctor, though, on the facility
4 itself?

5 A. No, sir.

6 Q. Okay. Can you tell us about the second time that
7 you went to the first-aid station?

8 A. The second time was when I was unloading the carts
9 of flare tubes with powder in them. I forget how many was
10 on the cart, but the cart was a real long -- I would say
11 four or five feet long. You'd stack them, oh, ten or
12 eleven down. They was round, about that big around, that
13 tall --

14 Q. Okay. You're saying that the --

15 A. Lay them this way.

16 Q. Can you show me that again? The flares were how
17 big now?

18 A. About that round.

19 Q. So about --

20 A. That tall.

21 Q. So, about -- you're saying they were about three
22 or four inches in width, about three inches in height?

23 A. They was higher than three inches in height. They
24 would be more like about a foot.

25 Q. About a foot?

1 A. Yes, sir.

2 Q. And the width would be how -- how big in width,
3 how wide?

4 A. Something two to three inches --

5 Q. Okay.

6 A. -- in diameter.

7 Q. Diameter. I see.

8 A. We'd put them on these buggies, and we took them
9 to a storage building, backed the truck up, and put a ramp
10 here to pull the buggy off on. And when I come off the --
11 pulled the buggy to come off of the ramp, my feet slipped
12 out from under me. I took the left leg and pushed against
13 the buggy to keep it from running over me, to hold it;
14 shoved it that way with my hands. And I strained myself
15 down in the (b)(6) and went to the nurse, and then
16 she sent me to the doctor for that.

17 Q. What happened then?

18 A. Wait just a minute. I got too far ahead of
19 myself. (b)(6)

20 (b)(6)

21 Q. Yeah.

22 A. Let me get this right.

23 Q. Okay.

24 A. I went on. The next day, I was hurting, and I
25 went to the doctor on my -- went on to the doctor on my

1 own.

2 Q. Was he a Northrop doctor?

3 A. No, sir.

4 Q. Your own personal doctor?

5 A. He was a doctor that I called, and he told me to
6 come by the office. And he checked me and give me a -- I
7 can't recall the medication, and I had to put on an ice
8 pack, and then I went back in the afternoon and told the
9 nurse what had happened. And she asked me why I didn't
10 come to her first, and I told her the same thing I told
11 you-all; that I just didn't want to --

12 Q. Oh, sure. Who paid for the doctor? You or
13 Northrop?

14 A. Northrop.

15 Q. You just sent the bill to them?

16 A. Yes, sir.

17 Q. Okay. Who in the Northrop office did you give the
18 bill to? What person was responsible for paying that?

19 A. I can't recall whether I give it to the nurse or
20 the supervisor.

21 Q. The supervisor would have been (b)(6) ?

22 A. Yes.

23 Q. Okay. Let's -- before we break for lunch, let's
24 go back a little bit to questions I talked to you about
25 concerning the CS. I think Building 113?

1 A. Yes, sir.

2 Q. Talked about unloading the bags. They were the --

3 A. Cab-O-Sil?

4 Q. What?

5 A. Ca -- Cab-O-Sil.

6 Q. Cab-O-Sil. Okay. How often would you do that?

7 A. I have did it twice in one day.

8 Q. Uh-huh. Did you do that for like a year or two
9 years or all the time that you were there?

10 A. No, sir. They had a government order to make so
11 much of this stuff, you know, ever how long it took. I
12 can't remember how long it took to get the order up, but it
13 was for awhile.

14 Q. Maybe six months or a year?

15 A. I can't remember how long it was.

16 Q. Well, it was a pretty long time? It wasn't just a
17 week?

18 A. No, sir. It was more than a week. More than a
19 month.

20 Q. So while you had that contract -- while Northrop
21 had that contract with the government, you would do that at
22 least once a day?

23 A. Sometimes twice a day.

24 Q. Sometimes twice a day. Now you said one time you
25 got (b)(6) ; is that correct?

1 A. With the CS stuff.

2 Q. CS stuff?

3 A. Yes, sir.

4 Q. How -- how were you (b)(6) exactly? Let's go over
5 that again. How were you (b)(6) ?

6 A. Well, I'm bad to (b)(6) (sic) when I get out in
7 the weather. To (b)(6).

8 Q. Could you repeat that? I'm sorry. I couldn't
9 hear that.

10 A. I'm bad to (b)(6) --

11 Q. I see.

12 A. -- when I work. And I (b)(6) more than, I guess, a
13 lot of people, and where this (b)(6)

14 (b)(6)

15

16 Q. (b)(6) ? All over your (b)(6)

17 A. Just in the area of where it hit.

18 Q. And you say you didn't have to see the nurse for
19 that though?

20 A. No, sir.

21 Q. Why not?

22 A. I can't -- I just --

23 Q. How long did the (b)(6) stay on your (b)(6) ?

24 A. They didn't stay long.

25 Q. A day, two days, a week, or --

1 A. The (b)(6) themselves -- as soon as I got out of
2 the stuff and got into the air, you know, and cooled --
3 cooled my body off, they went down then.

4 Q. So --

5 A. That's about the best way I can explain it.

6 Q. I see. Okay. Now you talked about dust on the
7 floor. How do you pronounce that again? Cab-O --
8 Cab-O-Sil?

9 A. Cab-O-Sil. I can't pronounce it myself. But,
10 anyway, it's a real fine dust.

11 Q. Now you say one time -- I'm sorry. You want to
12 talk more about it? Go ahead.

13 A. They had a silica gel that went into the CS. It
14 was in a dust form, but it was a real fine dust.

15 Q. Now I think earlier you were describing how thick
16 the dust was on the floor one day; is that correct?

17 A. It was --

18 Q. That thick?

19 A. -- about like that. About like that. When you
20 walked through it, you could see it blow from under your
21 feet.

22 Q. So it was more than -- it was almost an inch
23 thick; is that correct?

24 A. I would say a half inch.

25 Q. About a half inch?

1 A. Around on the floor in areas.

2 Q. How big of an area was this dust on. All of --

3 A. It was in a straight hallway room built like a --
4 I'd say it was -- it was wide enough where you could set a
5 pallet --

6 Q. Uh-huh.

7 A. -- large pallet, up to the door.

8 Q. So it was an area at least about a -- about a yard
9 in width?

10 A. A little longer than a yard.

11 Q. A little longer -- a little longer than a yard?

12 A. Yes, sir.

13 Q. About a half-inch thick?

14 A. Yeah.

15 Q. And it would go like in a hallway from one end of
16 the building to the other; is that correct?

17 A. The building itself was more than a yard wide.

18 Q. Oh, sure.

19 A. And it was as long as this room or longer.

20 Q. Uh-huh.

21 A. And it was just a narrow place where we put the
22 bags, stored the bags, until they got ready to use the
23 bags.

24 Q. So it was about 25-feet long?

25 A. Yes, sir. I'd say that.

1 Q. I see. How did you feel when you were around all
2 that? It must have been --

3 A. It's sickening. You get sick on your stomach.

4 Q. Did you see a lot --

5 A. Makes your eyes hurt, give you a headache when you
6 would inhale a lot of it. You'd just have to come out
7 and -- and get fresh air every so often. And another man
8 would go in, my buddy, partner, which is (b)(6), he
9 had to unload 'til he'd get -- wouldn't take too long to
10 get that way, and then he'd come out, and, you know, just
11 switch off.

12 Q. I see. Did you ever see (b)(6) get really sick?

13 A. Yes, sir.

14 Q. Do you know if he had to go to the first-aid
15 station?

16 A. He's went to the first aid several times.

17 Q. Did you see other people besides (b)(6) and
18 yourself get sick because of that exposure to that thick
19 dust?

20 A. Yes.

21 Q. What happened to them?

22 A. I don't remember.

23 Q. But you do recall him getting sick?

24 A. I can recall him getting sick.

25 Q. How did they react? Specifically, how did they

1 react?

2 A. When they get that stuff on them?

3 Q. Yeah. How do you know they were sick?

4 A. Your eyes start watering; you start gaping (sic)
5 for breath, sneezing. Mucus comes from your nose and your
6 mouth. You can just tell.

7 Q. I see. Okay.

8 MR. ZUCKERMAN: Well, it's 12:00 exactly now. So
9 we'll break for lunch, and then you can call (b)(6), and
10 we'll find out what we're going to do in the afternoon.

11 So I would like to ask every -- other counsel here
12 just to remain for a few minutes. We're going to adjourn
13 right now. But before we all head out to lunch, we'll tell
14 you in a few minutes what time we're going to resume this
15 deposition.

16 (Recess.)

17 MR. ZUCKERMAN: Back on.

18 BY MR. ZUCKERMAN:

19 Q. Hi. Mr. (b)(6), before we broke for lunch, we
20 talked about the time that you had to see the nurse at the
21 first-aid station because of the CS you were exposed to?

22 A. Yes.

23 Q. And the fact that (b)(6) told you what to do
24 in case you got exposed to CS; namely, pour water on your
25 face?

1 A. Yes, sir.

2 Q. But he didn't tell you whether it should be hot or
3 cold. Right?

4 A. Right.

5 Q. And until the nurse told you what to do, no one
6 had told you what to do, is that correct, except (b)(6).

7 (b)(6)?

8 A. The best of my knowledge.

9 Q. To the best of your knowledge --

10 A. Right.

11 Q. -- was there anything in writing or any kind of
12 announcement made by anybody about what to do should a -- a
13 worker be exposed to CS?

14 A. The only information I got when I was exposed to
15 it real bad was go to the first aid.

16 Q. That's all they told you?

17 A. (Nodding.)

18 Q. And who told you that?

19 A. (b)(6) -- (b)(6) told us -- told me.

20 Q. (b)(6). But as best as you can -- as best as
21 you recollect now, that's all he told you?

22 A. The best of my remembrance.

23 Q. Okay.

24 A. And about the CS, when I'd get it on my street
25 clothes and go in at night or day, whatever shift I was

1 working, see, I'd get immune to a lot of it. You know,
2 like walking around, you get immune to certain smells --

3 Q. Yeah.

4 A. -- and stuff that goes into it and certain things,
5 maybe, I wasn't aware of, you know, but just as soon as I
6 would go through the door, your family can detect it on
7 you.

8 Q. Did that happen often?

9 A. Every time I was around it, nearly. My street
10 clothes, it would get on my clothes. When I would get a --
11 when I would get it on me, then it would stay on my
12 clothes, and I just would have to take my clothes off and
13 leave them on outside.

14 Q. How often did your family complain about --

15 A. Well --

16 Q. -- the CS from -- from -- that came from your
17 clothes?

18 A. I couldn't say in numbers, but it was a lot of
19 times.

20 Q. Did your (b)(6) as well as your
21 (b)(6) from exposure to the CS that you brought home?

22 A. I can't recall. I just had one (b)(6) then. (b)(6)
23 was (b)(6) when I first started working there.

24 Q. What did you do with your clothes after they were
25 exposed to the CS? You said you put them outside. Did you

1 ever have to just throw away your street clothes even
2 though they were underneath coveralls?

3 A. When I'd lay them outside on the -- at the back
4 door, (b)(6) would wash them out.

5 Q. Did that do the trick, or did that not always do
6 the trick?

7 A. I can't remember now whether --

8 Q. You don't remember whether you had to throw away
9 some of your own street clothes?

10 A. No. I don't remember that.

11 Q. Okay. Let me ask a question. Getting back to the
12 waste disposal that you did, do you remember picking up
13 what's called inert trash?

14 A. No, sir.

15 Q. No. Do you remember picking up cardboard boxes?

16 MR. WARNER: Counsel, will you please speak
17 louder? We can barely hear you at this end.

18 MR. ZUCKERMAN: Sure.

19 BY MR. ZUCKERMAN:

20 Q. Do you remember picking up cardboard boxes?

21 A. Empty containers?

22 Q. Empty containers --

23 A. Yes, sir.

24 Q. -- made of cardboard? Do you remember that?

25 A. Yes, sir.

1 Q. How often did you do that as a waste disposer?

2 A. Well, when they was running stuff on the line that
3 came in cardboard boxes, emptied the boxes, and if they
4 couldn't reuse the boxes like to pack their material in
5 after they get it finished, then we would pick it up. So I
6 really couldn't say how often, pinpoint that.

7 Q. Did you have to go inside the buildings to pick
8 that up, or did you -- or were they already outside the
9 buildings for you?

10 A. They would be on the outside. But when we would
11 pick up, if there was any on the inside, we would go on
12 inside and get those, too --

13 Q. I see.

14 A. -- and pick them up.

15 Q. And, as a waste disposer, were you wearing the
16 masks then when you had to go inside?

17 A. We didn't wear the mask at all times, just when we
18 was around CS or exposed to the stuff that went in the CS.

19 Q. Did the inert waste have a bad smell to it? Did
20 you sometimes get sick being around the inert waste, the --
21 the boxes, the empty containers?

22 A. I can't recall. I know there's one material they
23 had over there that they called the PBX. It was yellow.
24 It would get on your skin, and you'd just have to wear it
25 off. I never was able to get it off my hands, you know.

1 If you worked in it enough, it would get on your fingers.

2 Q. You didn't have gloves then?

3 A. We had gloves, but if holes form in the gloves, or
4 the gloves get dampened or anything while working, it would
5 seep in there, and you would just have to wear it off like
6 a --

7 Q. Was it easy to get replacement gloves at Northrop,
8 or did they tell you that you needed to reuse the gloves
9 over and over?

10 A. We would get gloves.

11 Q. Okay. It's not like the situation with the
12 coveralls where they changed their policy?

13 A. No, sir.

14 Q. Okay. So you don't recall any bad reaction that
15 you had to the cardboard boxes or empty containers?

16 A. I had a -- now we're getting into another form of
17 CS here. CS-2.

18 Q. Go ahead.

19 A. Went to one building to get some contaminated
20 CS-2, but I forgot where we put it, what building. I know
21 the building number it came out of, 108. It was bulk CS-2.
22 And the lid supposedly -- it was a cardboard container
23 about that high, say, thirty inches high and eight inches
24 round or so --

25 Q. About thirty inches high and eight inches in

1 diameter?

2 A. Yes, sir.

3 Q. Okay.

4 A. And it had a metal lid go over it. And when you
5 pull that stuff out, you know, to put it on a hand truck,
6 if that lid came off, then it'd fog right up in your face.
7 And, see, you wasn't prepared for that then.

8 Q. That happened to you, didn't it?

9 A. Uh-huh. Yes, sir.

10 Q. And then what happened?

11 A. Well, when -- when it came up like that, you could
12 see it coming up, and I'd just run out of the building
13 until it settled back down, and then you'd go back in and
14 ease the lid over it and take it off.

15 Q. You didn't need to see a nurse for that?

16 A. No, sir.

17 Q. How often did that kind of thing happen to you?

18 A. I can't pinpoint how many times, but every time
19 you would get around it, you would find some lids wasn't
20 secure on the drum tight enough.

21 Q. I take it, then, it was more than one time?

22 A. Yes, sir.

23 Q. Am I correct in assuming it was many times?

24 A. Yes, sir.

25 Q. How about the other people that had your job? Did

1 they just -- just wait it out or tough it out like you did,
2 or did they often see the nurse when that happened to them?

3 A. I really don't know.

4 Q. Did the supervisors know about this kind of
5 problem that you were having? Did (b)(6) know the
6 difficulty you had whenever you attempted that chore?

7 A. I don't know whether he did or not.

8 Q. You don't recall complaining to him about it?

9 A. No, sir.

10 Q. Do you recall if there were any orders at Northrop
11 when you worked there about disposing of waste off site?

12 A. Orders. You mean that come from the supervision?

13 Q. Yeah. Instructions or directives or orders from
14 (b)(6) or from any other supervisor.

15 A. No, sir.

16 Q. Do you recall -- I'm sorry.

17 A. See, Boone was what we called over the trash
18 truck, and I just worked with him a little while on the
19 trash truck, and if any orders come in, he'd probably
20 receive them.

21 Q. I see. Now, you -- you worked with Boone for how
22 long on the trash truck? Approximately. I know it's been
23 a long time.

24 A. Approximately a week, two weeks.

25 Q. Yeah.

1 A. It wasn't long, because I tried to stay hid when
2 they come around to pick somebody to work with him.

3 Q. Oh, I understand. I would do the same thing. But
4 I understand that you worked with (b)(6) quite frequently;
5 isn't that correct? _____

6 A. Yes.

7 Q. So you do have -- am I correct in assuming you
8 have a pretty good idea about waste disposal?

9 MR. WARNER: Objection. No foundation.
10 Conclusion. Speculation.

11 BY MR. ZUCKERMAN:

12 Q. Let me reframe the question. Do you feel that you
13 have a pretty good knowledge of waste disposal practice --
14 practices at Northrop? How Northrop disposed of its waste?

15 A. No, sir, I don't.

16 Q. Why not?

17 A. I wasn't aware of all the chemicals, all the
18 explosives, how to mix it, how to put it on the truck when
19 it was disposed of.

20 Q. But you have a pretty good idea of how Boone did
21 all that?

22 A. That's all I've got to go on.

23 Q. Did you ever see (b)(6) do that? Strike that.

24 Do you know how (b)(6) disposed of waste?

25 A. We had the containers on the truck. Like we would

1 pick up containers of waste --

2 Q. Excuse me. I'm going to rephrase the question.
3 We've got little rules here, silly rules. I hate the
4 rules.

5 A. Okay. _____

6 Q. And I always screw up on the rules. But if I'm
7 going to ask you a question, and if you know the answer,
8 yes or no, just tell me yes --

9 A. Oh.

10 Q. -- or no. And then after you do it, then, I'm
11 going to let you explain because we all want to hear what
12 you have to say.

13 A. All right.

14 Q. Okay. So the question is: Do you know how
15 (b)(6) disposed of waste when he was the waste disposer as
16 opposed to Boone?

17 A. I know some of it, yes, sir.

18 Q. Okay. Could you explain it?

19 A. When we would go to the buildings to pick up the
20 waste, he was more cautious. But, in my own mind, I felt
21 like me or him, either one, didn't fully know what to mix
22 and what not to mix on that truck.

23 Q. Why do you say that?

24 A. Because there was some liquids, forms, that went
25 in the containers to be disposed of. There was some powder

1 forms, cardboard, scraps, different things.

2 Q. Go ahead. And then -- then what happened with

3 (b)(6)

4 A. He'd put it on the truck. We'd get a load and
5 then take it to the burning ground. One day, went to
6 the -- before we went to the burning ground, Boone, I don't
7 know where he gets his information, he said the upper
8 burning ground was full; we couldn't take it up there until
9 it was burned. So we took it to the lower burning ground,
10 explosives, where the dye plant's at now.

11 Q. That's where Northrop sold to Asheville Dye? That
12 area?

13 A. Yes, sir.

14 Q. Okay.

15 A. And put some in there, burned it. So when he set
16 it on fire, he said, "Let's run and set to the truck."

17 Q. Let's what?

18 A. Go to the truck while it's burning. So we sat in
19 the cab of the truck until it burned down.

20 Q. Was it -- the way he burned it, was it the same
21 way that Boone burned stuff at the -- waste at the upper
22 burning ground?

23 A. Boone was the one that was burning it, yes.

24 Q. Okay.

25 A. And I don't recall exactly how he ignited it. But

1 we didn't have no bunker down there or anything.

2 Q. I see. Did you ever see (b)(6) burn material?

3 A. No, sir.

4 Q. No. Never. Okay. Let me ask you a question
5 about (b)(6). Did (b)(6) ever watch you
6 folks pick up the waste and take it to the burial trenches?

7 A. I never did -- no, sir.

8 Q. Did he ever come -- he never came with you?

9 A. I --

10 Q. To the best of your recollection?

11 A. The best of my knowledge, no.

12 Q. Did (b)(6) ever come with you when you were
13 on waste disposal detail or trash detail, whatever it was
14 called, and watch how you disposed of the waste?

15 A. No, sir.

16 Q. Have you ever heard that either (b)(6) or (b)(6)
17 accompanied (b)(6) or Boone or (b)(6) or anybody on their
18 trips to dispose of the waste in the burial grounds?

19 A. No, sir.

20 Q. (b)(6) was head of safety; is that right?

21 A. (b)(6).

22 Q. (b)(6). I'm sorry. (b)(6). Right?

23 A. Right.

24 Q. To the best of your recollection, did (b)(6)
25 ever go with you or with (b)(6) or with (b)(6) or with

1 Boone or anybody else who had waste disposal or trash
2 detail --

3 A. No, sir.

4 Q. -- and watch how they disposed of the waste?

5 A. No, sir.

6 Q. Do you have any knowledge why that was so; that
7 the head of safety for Northrop never actually went with
8 anybody to see how they disposed of the waste?

9 A. No, sir.

10 Q. Did you ever hear about -- strike that. Did you
11 ever hear anybody talk about how the head of safety at the
12 plant never went with the waste disposers to see how they
13 disposed of the waste?

14 A. I can't remember.

15 Q. You have no recollection of that?

16 A. No, sir.

17 Q. Am I correct in assuming that (b)(6) although
18 he was head of safety at the plant, was not too concerned
19 about waste disposal?

20 MR. WARNER: Objection. Conclusionary. No
21 foundation. Calls for an opinion. Leading and suggestive.

22 BY MR. ZUCKERMAN:

23 Q. You can go ahead and answer that question.

24 A. He never did talk to me about the waste.

25 Q. Well, when you worked at Northrop, looking back

1 now, and I know it's been twenty years, but looking back
2 and trying to remember, when you worked there, did you
3 believe that (b)(6) was in charge of waste disposal?

4 A. Could you repeat the question --

5 Q. Sure. _____

6 A. -- so I can better understand it?

7 Q. Sure. When -- do you recall that when you worked
8 for Northrop, who did you think was in charge of waste
9 disposal?

10 A. I have no idea.

11 Q. You had no idea?

12 A. No, sir.

13 Q. At the time that you worked for Northrop, did you
14 have any idea who was in charge of waste?

15 A. No, sir.

16 Q. So it's your testimony then, correct me if I'm
17 wrong, that when you worked for Northrop you thought Boone
18 and (b)(6) was in charge or were in charge of waste?

19 A. Yes, sir.

20 Q. Waste disposal at Northrop?

21 A. Yes, sir.

22 Q. What was (b)(6) concerned about in safety if he
23 wasn't -- excuse me. Strike that. If (b)(6) was not
24 concerned about waste disposal at all, then as safety man,
25 what was he concerned about besides --

1 MR. WARNER: Objection. Sorry, counsel. I didn't
2 mean to interrupt.

3 MR. ZUCKERMAN: I'll rephrase that, and then I'll
4 give you an opportunity to object.

5 BY MR. ZUCKERMAN: -----

6 Q. If (b)(6), as safety representative, had no
7 relationship to waste disposal at Northrop, no concern
8 about it, then what were his duties as safety
9 representative?

10 MR. WARNER: Objection. No foundation.
11 Speculative. Conjectural. Misstates the witness's
12 testimony. Leading and suggestive.

13 BY MR. ZUCKERMAN:

14 Q. You can answer that.

15 A. What was his duty?

16 Q. Yeah.

17 A. Well. He caught -- I can tell you a for instance,
18 one instance, I was in with him.

19 Q. Sure.

20 A. He caught me and this black guy, whose name was
21 (b)(6), unloading some material in the building. We
22 got to have safety shoes on at all times. And the black
23 guy had on GI boots, so he made him take his shoes -- boots
24 off right there and put his safety shoes on. And --

25 Q. All right. Besides that one example, and the

1 information you provided to us before lunch about how (b)(6)
2 (b)(6) made sure that there weren't too many explosives in
3 any one building, what other safety tips did he give you,
4 if any?

5 A. I don't know of any more.

6 Q. All right. Did (b)(6) ever give any tips to
7 you about safety that you can remember?

8 A. The day that I was hired in, (b)(6) took us,
9 and when I say us, a group of us together, into a little
10 room, and he talked to us. And all that I got out of it
11 was not to carry no open flames on the premises, not to
12 have no matches.

13 They had designated smoking areas, if you wanted
14 to smoke a cigarette with electric lighters. And we'd be
15 issued safety equipment to wear while we was involved in
16 certain areas of the plant.

17 Q. You mean the protective gear that you told us
18 about earlier?

19 A. Yes. Yes, sir.

20 Q. Okay.

21 A. And that was about what it --

22 Q. Okay.

23 A. What I can remember.

24 Q. Okay. You don't recall anybody, is it your
25 testimony -- strike that. Do you recall anybody ever

1 giving you any warnings of any kind, written or oral
2 warnings, about specific types of waste?

3 A. No, sir.

4 MR. WHEELER: Can we take a break for a couple of
5 moments? _____

6 MR. ZUCKERMAN: Sure. Let's take a break. We'll
7 be back in five minutes.

8 (Recess. Testimony read by reporter.)

9 BY MR. ZUCKERMAN:

10 Q. (b)(6), throughout your four --
11 four-and-a-half years working for Northrop, am I correct in
12 stating that (b)(6), (b)(6), and (b)(6) were
13 there the whole time?

14 A. Yes, sir.

15 Q. Now I just want to make sure I got this right.
16 Who were the people called the safety people at the plant?

17 A. (b)(6), (b)(6), and there's a (b)(6)
18 who was working there at one time who was a safety
19 representative.

20 Q. Okay. Do you recall: Was it (b)(6)?

21 A. I --

22 Q. You don't recall his first name?

23 A. I don't know his first name.

24 Q. Was he -- so you say he wasn't there the whole
25 time that you were there?

1 A. No, sir.

2 Q. How long was he there?

3 A. I really don't remember.

4 Q. Was he there at -- when you first -- when you
5 first started and then left while you were still working
6 there?

7 A. Yes, sir.

8 Q. What did -- how did his job -- strike that. What
9 was different about his job than (b)(6) job?

10 MR. WARNER: Objection.

11 BY MR. ZUCKERMAN:

12 Q. If you know.

13 MR. WARNER: No foundation. Conclusion.
14 Speculative. Opinion.

15 MR. ZUCKERMAN: I'm going to rephrase it.

16 MR. WHEELER: Are you referring to (b)(6)?

17 MR. ZUCKERMAN: Yeah. I'm going to reframe the
18 question.

19 BY MR. ZUCKERMAN:

20 Q. (b)(6)? (b)(6)? Do you know the
21 difference between (b)(6) job and (b)(6) job?

22 A. No, sir.

23 Q. So, all you know, they were both concerned,
24 allegedly, with safety?

25 A. Yes, sir.

1 Q. Okay.

2 A. Could I add something?

3 Q. Oh, please.

4 A. They both went around to the buildings and checked
5 that they wasn't overloaded, to keep the building from
6 blowing up, burning up.

7 Q. Now I think you said that this morning about (b)(6)
8 (b)(6)?

9 A. (b)(6)

10 Q. (b)(6) did the same thing?

11 A. He did the same thing.

12 Q. And (b)(6) was concerned about that, too, then;
13 is that correct?

14 A. (b)(6) was the supervisor over (b)(6) and
15 (b)(6).

16 Q. Okay. Fine. Now was (b)(6) over (b)(6),
17 or was (b)(6) over (b)(6)?

18 A. I don't know that.

19 Q. Could it have been that they both had equal
20 positions?

21 A. It could have been.

22 Q. Did (b)(6) -- you've already -- strike that.
23 You've already testified that (b)(6), (b)(6), the
24 two safety men, as well as (b)(6), never went with
25 anybody, to the best of your knowledge, to see how they

1 disposed of waste. How about (b)(6) ? -

2 A. No, sir.

3 Q. Did (b)(6) give you any warnings about
4 specific types of waste?

5 A. No, sir.

6 Q. And it's your testimony, I think you said this
7 earlier, but just to recap, that, to your knowledge,
8 neither (b)(6), (b)(6), (b)(6), or (b)(6)
9 ever wrote up William Boone for the screwy type of waste
10 disposal practices he did?

11 MR. WARNER: Objection. No foundation.
12 Conclusion.

13 THE DEPONENT: I don't know.

14 BY MR. ZUCKERMAN:

15 Q. You can answer the question.

16 A. I don't know whether he was ever wrote up or not.

17 Q. Yeah. But, to your knowledge today, do you have
18 any recollection of anybody telling you that Boone had ever
19 been written up by any of those guys that I just mentioned?

20 A. No, sir.

21 Q. Do you have a belief whether Boone had been
22 written up by any of those guys I just mentioned?

23 A. No, sir.

24 Q. You don't know one way or the other?

25 A. I don't know one way or the other.

1 Q. Okay. Did Boone ever tell you that he had been
2 written up?

3 A. No, sir.

4 Q. Did Boone ever tell you, "Hey, I've never been
5 written up"?

6 A. No, sir.

7 Q. But Boone did tell you, when you complained about
8 some of the things he did, that no one ever complained to
9 him about them; is that correct?

10 A. I asked him -- could I answer that with a --

11 Q. Please.

12 A. I asked him what -- how did he know how to mix
13 these things and that, and he said, "It doesn't really
14 matter. They're going to be throwed in the trash anyhow."
15 And that's all the answers I ever -- "They're going to be
16 burned."

17 Q. So your testimony is, Boone -- Boone did pretty
18 much what he wanted to do in waste disposal?

19 A. Yes.

20 MR. WARNER: Objection. No foundation.

21 Conclusion. Opinion. Conjecture.

22 BY MR. ZUCKERMAN:

23 Q. You can answer.

24 A. Yes.

25 Q. And why do you say that?

1 MR. WARNER: Same objection.

2 BY MR. ZUCKERMAN:

3 Q. You can answer.

4 A. Because he seemed to -- he would just go around
5 and get a load of stuff, and when he got it loaded up, just
6 take it on to the burning ground and dispose of it. And if
7 the burning ground was full, like I say, I don't know where
8 he -- how he got his information when to burn and all. He
9 would say, "Well, this one's full. We'll have to wait
10 until burning day."

11 Q. Okay. I think we covered Mr. Boone pretty well.
12 Let me -- let's get back to, a second, about the production
13 again as opposed to waste disposal. Were most of the
14 production workers (b)(6) in CS --

15 MR. WARNER: Counsel, would you please keep your
16 voice up? You're addressing the witness directly. I can
17 barely hear what you say at this end of the table.

18 MR. ZUCKERMAN: I apologize. I'm going to make
19 a -- I'm sorry for that. I'll do it louder. I'll speak
20 louder.

21 BY MR. ZUCKERMAN:

22 Q. Were most of the workers in the CS production unit
23 (b)(6) ?

24 A. Yes, sir.

25 Q. Was there a reason for that?

1 MR. WARNER: Objection. No foundation.
2 Speculative. Conclusionary. Opinion.

3 MR. ZUCKERMAN: I'll reframe that.

4 BY MR. ZUCKERMAN:

5 Q. Do you have any knowledge why most of the
6 production workers in the CS department happened to be
7 (b)(6)

8 A. I was told by different people that a (b)(6)
9 person, the CS didn't hurt them as much as a (b)(6)
10 person.

11 Q. I see.

12 A. And the (b)(6), the best of my knowledge, seemed
13 like they could work in it better than the (b)(6).

14 Q. All right. Do you recall today who told you that?

15 A. No, sir, I don't.

16 Q. Do you think it was a supervisor or just another
17 co-worker?

18 A. I have no idea.

19 Q. So, just one last question, and I promise not to
20 ask any more questions about Boone. Okay?

21 A. Okay.

22 Q. I just -- I just, you know, want to clear this --
23 you know, it's clear, but I just want to put the final
24 touches to the subject.

25 With all the screwy things that you testified

1 today about what Boone did, you say there was never an
2 investigation by (b)(6) or by (b)(6) or by (b)(6) --

3 A. (b)(6).

4 Q. (b)(6) or by (b)(6)?

5 MR. WARNER: Objection. That is not a proper
6 characterization of the witness's testimony. Leading,
7 suggestive and no foundation.

8 BY MR. ZUCKERMAN:

9 Q. Please answer my question.

10 A. To the best of my knowledge.

11 Q. The answer to my question is yes? No
12 investigation?

13 A. Yeah.

14 Q. Okay. Now, let's --

15 MR. WHEELER: Excuse me. Could you read that last
16 question and answer back for me?

17 (Testimony read by the reporter.)

18 MR. WHEELER: Thank you.

19 BY MR. ZUCKERMAN:

20 Q. Were you ever involved -- I'm going to move to
21 another subject. I've heard all I can hear about Mr.
22 Boone.

23 A. Okay.

24 Q. We got enough laughs. Were you involved in ever
25 X-raying materials?

1 A. I've took material -- I can't remember what it was
2 now -- to the X-ray buildings.

3 Q. Why did you do that?

4 A. There was some of it had to be X-rayed, and I
5 don't know, really, why.

6 Q. No one told you why?

7 A. No, sir.

8 Q. Is it your testimony today that you don't believe
9 you ever knew why?

10 A. If I did, I can't recall it.

11 Q. Okay. Do you recall how the X-raying was carried
12 out?

13 A. I'll try to describe it. You take it --

14 Q. Take your time. It's been awhile, I know.

15 A. We take it up to the building.

16 Q. Take it from where? I'm sorry to interrupt.

17 A. From the assembly line.

18 Q. Where was that?

19 A. That I --

20 Q. You don't remember the building number?

21 A. I don't remember the building number. And me and
22 (b)(6) took some up and walked into the building,
23 didn't see nobody to give it to, and just opened the door,
24 and we was already into the X-ray, and the man told us,
25 that was operating the X-ray, that we wasn't allowed back

1 there; that he would take it from the dock on in.

2 Q. And what else happened? What else happened other
3 than that?

4 A. So, we just came out, and he took it on. And then
5 he would call, let us know when to pick his things up.

6 Q. Were you ever exposed to the X-rays?

7 MR. WARNER: Objection. No foundation.

8 Conclusion. Calls for a statement opinion.

9 MR. ZUCKERMAN: Strike that. I'll reframe it.

10 BY MR. ZUCKERMAN:

11 Q. To your knowledge, were you ever exposed to the
12 X-rays?

13 MR. WARNER: Same objection.

14 THE DEPONENT: No, sir.

15 BY MR. ZUCKERMAN:

16 Q. How about (b)(6)?

17 MR. WARNER: Same objection.

18 THE DEPONENT: I don't know about him.

19 BY MR. ZUCKERMAN:

20 Q. Do you know of anybody else that did the same kind
21 of chore? Taking materials to get them X-rayed?

22 A. No, sir.

23 Q. How many times did that happen, to your knowledge,
24 to your recollection?

25 MR. WARNER: To whom, counsel?

1 MR. ZUCKERMAN: Good question.

2 BY MR. ZUCKERMAN:

3 Q. How many times did that happen to anybody, given
4 the chore of taking materials to get them X-rayed, to your
5 recollection? _____

6 A. I don't know.

7 Q. Okay. Do you recall anybody complaining about
8 having to do that kind of work, taking materials to get
9 them X-rayed?

10 A. No, sir.

11 Q. All right. Were you ever given the chore of --
12 and, I think you testified that you were -- cleaning up
13 buildings?

14 A. Yes, sir.

15 Q. Okay. How did you go about cleaning up buildings?

16 A. It all depends on what was in the building.

17 Q. Can you give me some examples?

18 A. Like it was either -- I forget which building it
19 was in, whether it was 111 or 112. They had to get rid of
20 some contaminated DDM.

21 Q. DDM? D-D-M?

22 A. DDM.

23 Q. Oh.

24 A. (b)(6) told me and (b)(6) just to
25 pour it out down the drain.

1 Q. Excuse me. Can I interrupt for a second? Who is
2 (b)(6) (sic) (b)(6) ?

3 A. He was the warehouse attendant, 139.

4 Q. Warehouse attendant?

5 A. Worked at 139. He was over the warehouse.

6 Q. So he told you and (b)(6) to get rid of the
7 DDM in that building?

8 A. Yes, sir.

9 Q. Or two buildings?

10 A. Just one building.

11 Q. One building. But you're not sure which one.

12 Okay. So then what happened?

13 A. We'd just take the containers and pour them out in
14 a drain of the building. There's a drain in the building,
15 a little drain in the floor.

16 Q. Did each building -- did each building have a
17 drain?

18 A. I don't recall whether each building did or not.

19 Q. But that building did?

20 A. Yes, sir.

21 Q. Okay. What kind of container was the DDM in, to
22 the best of your recollection?

23 A. Plastic container.

24 Q. Plastic container. Could you describe for us the
25 container?

1 A. It was a square container.

2 Q. How big is it?

3 A. About a half-gallon or a gallon size.

4 Q. In capacity? Half-gallon capacity?

5 A. Right. _____

6 Q. Okay.

7 A. Yes, sir.

8 Q. So you poured it down the drain, the DDM. Then
9 where did the DDM go?

10 A. I have no idea, unless it went in that creek that
11 run down by 128.

12 Q. Are you saying that it went into the creek outside
13 Building 128?

14 A. It's a possibility.

15 Q. What was the creek called? Bee Tree Creek or --

16 A. No. It was just a little branch that run down
17 through the Northrop property, but it would join on into
18 the Bee Creek -- Bee Tree, on down that end of the place.

19 Q. Is that the part of the creek that people called
20 the Nasty Creek?

21 A. The Nasty Branch?

22 Q. The Nasty Branch?

23 A. Yes.

24 Q. Is that correct? People called that part of the
25 creek the Nasty Branch?

1 A. Yes, sir.

2 Q. Do you know who called that creek the Nasty
3 Branch?

4 A. I don't know who started calling it that, but just
5 about everybody that worked there called it --

6 Q. The Nasty Branch?

7 A. All the material handlers.

8 Q. All the material handlers called it the Nasty
9 Branch?

10 A. Yes, sir.

11 Q. Why did they call it the Nasty Branch, if you
12 know?

13 A. I don't know right off.

14 Q. Do you -- why do you think they called it the
15 Nasty Branch?

16 MR. WARNER: Objection. No foundation.

17 Speculation. Conclusionary. Opinion.

18 BY MR. ZUCKERMAN:

19 Q. You can go ahead and answer.

20 A. I don't know, unless some of this material that we
21 poured through the drain would happen to get into it.

22 Q. Do you know if any of the material that you poured
23 in the drain, either at that time or at any other time that
24 you worked at Northrop, ever went from a building drainage
25 pipe into what you just called the Nasty Branch?

1 A. I can't remember. When we washed the CS drums
2 there behind 128 on the ground, the water had to run into
3 the little creek there because there was nowhere else to
4 go.

5 Q. So you're saying the CS waste, after you washed
6 the drums, in your opinion, definitely had to go into the
7 Nasty Branch because there was nowhere else to go; is that
8 correct?

9 A. Yes, sir.

10 Q. I see. Do you recall, getting back to that DDM,
11 that you definitely poured it in the drain, and the drain
12 did not go into a closed container; it had to go somewhere
13 else?

14 A. I don't know exactly where the drain went.

15 Q. Okay. But you have no idea there was a closed
16 container, right?

17 A. No, sir.

18 Q. And you believe it probably, if I'm correctly
19 stating your testimony, went into the Nasty Creek --

20 A. Branch.

21 Q. Nasty Branch?

22 MR. WARNER: Objection. Contrary to the witness's
23 testimony. Misstates it completely.

24 BY MR. ZUCKERMAN:

25 Q. You can answer my question.

1 A. It could have. I'm not sure.

2 Q. Okay. Do you recall talking with Mr. Bornholm of
3 the United States Environmental Protection Agency on or
4 about December 12th, 1985?

5 A. I don't recall his name, but I talked to somebody.

6 Q. Do you recall having an interview a little bit
7 like this in which Mr. Bornholm and Mr. Schultheis, who is
8 sitting at the counsel table right here, asked you a few
9 questions?

10 A. Yes.

11 Q. Okay. I'm going to read a statement that you made
12 and see if this jogs your memory. This was a question that
13 was asked by your attorney, Mr. John Thames. Do you
14 remember Mr. Thames?

15 A. Yes.

16 Q. Okay. The quote begins: "This drain..." This is
17 Mr. Thames speaking. "This drain that you were pouring
18 liquid waste into in Building 111 and 112, was it going in
19 some kind of closed container, or --" and you interrupted,
20 and you said, quote: "No. It was just going right out
21 down in the open. There was a little creek that used -- I
22 don't know if it still runs or not. It runs from the
23 building, right down behind 128. I called it a little
24 nasty branch then."

25 A. Yes, sir.

1 Q. Do you remember that that was the question and
2 answer that was asked back in '85?

3 A. I remember him asking it.

4 Q. Do you remember giving that answer or something
5 like that answer? _ _ _ _ _

6 A. Yes.

7 Q. Do you have any reason to change your statement
8 from your statement in '85?

9 A. No, sir.

10 Q. So it's your still belief, then, that that DDM
11 ended up in the nasty little branch?

12 MR. WARNER: Objection. Mischaracterizes the
13 witness's testimony as just read from an unverified --
14 unsworn record.

15 BY MR. ZUCKERMAN:

16 Q. You can answer the question.

17 A. Repeat that.

18 Q. Okay. Let me ask -- I didn't -- Mr. Warner will
19 be making objections, as you know, from time to time.
20 Please ignore the objections. You can answer any questions
21 that I ask. I don't ignore Mr. Warner's questions, but you
22 can -- objections -- but you can, and you can answer any
23 question unless your attorney tells you he doesn't want you
24 to answer.

25 A. Okay.

1 Q. Okay. I was just asking: This statement that you
2 made to Mr. Thames, your attorney back in '85, do you have
3 any reason to change your statement, now that you've
4 thought, that the DDM went into the little creek?

5 MR. WARNER: Objection. It does mischaracterize
6 the statement as read to the witness.

7 THE DEPONENT: No, sir.

8 BY MR. ZUCKERMAN:

9 Q. No. Okay. So, then, you still believe that's
10 true; is that correct?

11 A. Yes, sir.

12 Q. Thank you. While we're on the subject of the
13 unsworn statement, which Mr. Warner just mentioned was
14 unsworn, as I recall, this was at the insistence of the
15 Northrop Corporation that this all be unsworn. But, for
16 whatever reason, when was the last time that you read a
17 transcript of your interview with the EPA back in December,
18 1985?

19 A. I don't remember.

20 Q. Okay. Let me show you what I'm going to ask the
21 reporter to label as Exhibit 1 to the (b)(6) deposition.
22 Go ahead. Take a look at that.

23 A. Okay.

24 (Document marked (b)(6) Deposition Exhibit No. 1.)

25 MR. WARNER: May counsel see copies, counsel?

1 MR. ZUCKERMAN: Oh. I'm sorry. As a matter of
2 fact, I'm going to ask -- go ahead and read it right now.
3 Take a few minutes. And we'll take a break in place.

4 (Recess.)

5 BY MR. ZUCKERMAN: _____

6 Q. Okay. (b)(6), during a short break that we
7 just took, you reviewed Exhibit 1 to your deposition, which
8 was a ten-page statement entitled Interview of (b)(6)
9 (b)(6), dated 12/December/1985. It's United States
10 Environmental Protection Agency, Region Four, Docket Number
11 86-03-C, In The Matter Of: Chemtronics Site.

12 And it shows the Northrop Corporation and
13 Chemtronics, Inc., as respondents, and shows that Jon K.
14 Bornholm, Environmental Engineer of the U.S. EPA was
15 present as was John F. Schultheis, who is present today at
16 the counsel table.

17 Mr. Schultheis was designated as president of
18 Chemtronics, Inc. It shows that Felice F. Johnson of
19 Chemtronics, Inc., was present, as was Dr. Gary Serio,
20 S-e-r-i-o, the Northrop Corporation, and an attorney by the
21 name of Charles -- excuse me, more people -- Charles D.
22 Case, Esquire, an attorney with Moore, Van Allen, Allen &
23 Thigpen of Raleigh, North Carolina.

24 Eugene McCall, your attorney here today, was
25 present, as was John Thames or Thames, T-h-a-m-e-s, I guess

1 like the river, and another attorney by the name of Anthony
2 L. Young with the law firm Wald, Harkrader,
3 H-a-r-k-r-a-d-e-r, & Ross of Washington, D.C.

4 Now, do you -- when was the last time that you
5 read this statement prior to today?

6 A. I don't remember.

7 Q. Okay. But do you believe that this statement
8 accurately transcribed what you said during the interview?

9 A. Yes.

10 Q. Why do you think that?

11 A. As I read it today, I could recall, relate back.

12 Q. Is there anything in this statement today that you
13 want to correct?

14 A. No, sir.

15 Q. Okay. Fine. Now getting back to the DDM and
16 cleaning up that building, did you ask (b)(6) (sic) (b)(6)
17 why he told you and (b)(6) to do the job?

18 A. No, sir.

19 Q. Do you have any knowledge why he asked you and
20 (b)(6) to do the job?

21 A. No, sir.

22 Q. Now I'm asking just for a guess, just speculation,
23 this question: Would you care to speculate why he asked
24 you and (b)(6) to do the job?

25 MR. WARNER: Objection to the speculation.

1 BY MR. ZUCKERMAN:

2 Q. You can go ahead and answer it. I'm just curious
3 here.

4 A. He said that all the other men was busy in the
5 other buildings taking care of the other buildings; he had
6 to have the building cleaned out. And we had to go up and
7 dispose of the stuff; just pour it down the drain.

8 Q. All right. So you do have knowledge. It's not
9 speculation. You recall him telling you that?

10 A. Right.

11 Q. Okay. Go ahead. I'm sorry.

12 A. And so I says -- we said, "Where do you want us to
13 take this stuff to first of all?" And he says, "Just pour
14 it down the drain. It's got to be disposed of."

15 Q. Did he tell you why it had to be disposed of?

16 A. No, sir.

17 Q. Okay. When you disposed of it, did it spill on
18 your hands, or were you exposed to it in any way?

19 A. Not as I recall, it didn't spill. We took the cap
20 off, just poured it down the drain.

21 Q. Did you do this kind of cleanup of buildings
22 frequently?

23 A. Generally like sweeping?

24 Q. Yeah. Sweeping.

25 A. Yeah. We'd sweep out buildings, get it prepared

1 for other stuff to come in.

2 Q. How often did you sweep out buildings?

3 A. When they would get empty of the material that was
4 in them.

5 Q. How did you go about sweeping out the buildings?

6 A. We had a push broom. And we had one -- if I can
7 add this in -- one container -- I don't know what was in
8 the container -- in one of the buildings that had to be
9 moved. And it was so sensitive. They said -- (b)(6) --
10 and I forget who all was with us then -- said that drum had
11 to be wet down with cold water in the area, keep it damp
12 with cold water as we move it to sweep around in that
13 building.

14 Q. Why did he say that? Do you know?

15 MR. WARNER: Objection. Speculation. Conjecture.
16 No foundation.

17 BY MR. ZUCKERMAN:

18 Q. You can answer.

19 A. He said it was real sensitive stuff in that drum.

20 Q. I see. Did you ever get sick cleaning up these
21 buildings?

22 A. I've not, say, what you got real sick, sick, just
23 got (b)(6).

24 Q. (b)(6). Yeah. How often did that happen?

25 A. When we was around the raw bulk stuff and smelling

1 it or --

2 Q. What happened when you got (b)(6)? How did you
3 cure that?

4 A. Just have to get out of the building for awhile.

5 Q. What kind of protective gear did you have when you
6 cleaned the buildings, if you had any at all?

7 A. We didn't have any; just coveralls is all.

8 Q. Were those the raggedy coveralls?

9 A. Yes, sir.

10 Q. Did any of the waste that you were cleaning up at
11 the buildings get on your skin or on your clothes --

12 A. Yes, sir.

13 Q. -- when you were sweeping up?

14 A. Yes, sir.

15 Q. Do you recall any of the chemical waste -- the
16 names of the chemical wastes that got on your clothes or on
17 your person?

18 A. I can recall that OCBA, the liquid form --

19 Q. What happened?

20 A. -- getting on my (b)(6) -- I mean on my (b)(6).

21 Q. How did that happen?

22 A. We were putting it in a vat -- in a vat where they
23 keep it warm to use.

24 Q. Uh-huh.

25 A. And they'd take a wrench and open the top of the

1 lid to keep the stuff from, I guess, exploding, while it
2 was in that warm water, to get it -- and then when you take
3 a chain fall and pick it up, if those things wasn't
4 tightened back down, it would splatter out on you.

5 Q. Did it make you (b)(6) or --

6 A. The odor of it would.

7 Q. Excuse me?

8 A. The odor.

9 Q. The odor?

10 A. The odor off of it would make you (b)(6).

11 Q. So how did you lick that problem? Did you go
12 outside again and get fresh air?

13 A. Well, I was already outside. I would just leave
14 that area.

15 Q. Leave that area. Okay. I'm curious about your
16 shoes. You -- you were wearing safety shoes?

17 A. Yes, sir.

18 Q. When you had to clean up these buildings, what
19 happened to your safety shoes? Did you -- did you leave
20 them at the plant or --

21 A. No, sir. We kept them on all the time we was on
22 the premises.

23 Q. You kept them on at all times?

24 A. Yes, sir.

25 Q. Did you ever take them off the premises?

1 A. No, sir. We'd leave the safety shoes in the
2 locker that was issued to us.

3 Q. Didn't they smell up the locker?

4 A. Yes, sir.

5 Q. Was it then hard to breathe in the locker area?

6 A. Yes, sir.

7 Q. Did you ever complain to anybody that the safety
8 shoes were causing a very bad odor in the locker area and
9 that you could hardly breathe?

10 A. No, sir. I didn't.

11 Q. Do you recall anybody else making complaints about
12 that?

13 A. No, sir. I can't remember that.

14 Q. So, am I correct in saying you just gutted it out?
15 You did what you had to do -- changed your clothes or
16 whatever, take a shower -- even though the smell was very
17 bad in the locker?

18 A. Yes.

19 Q. Was there always a bad smell in the locker?

20 A. Yes, sir.

21 Q. Did you ever eat lunch at the plant cafeteria or
22 plant lunchroom?

23 A. Yes, sir.

24 Q. Did the plant have a cafeteria?

25 A. 128. There where the office building was on the

1 hill there, it was a cafeteria.

2 Q. Did you -- did you frequently go there for lunch?

3 A. Yes, sir.

4 Q. How about (b)(6)? Did he?

5 A. Yes. _____

6 Q. How about (b)(6)?

7 A. Yes.

8 Q. How about the other -- how about Boone?

9 A. Everyone that worked in that area just about went
10 to 128 to eat.

11 Q. Okay. So when you went to 128, and when the
12 others -- by others, I mean the other material handlers and
13 waste disposers went to 128, didn't the -- wasn't the odor
14 too much for the other people who were eating?

15 MR. WARNER: Objection.

16 THE DEPONENT: Yes.

17 MR. WARNER: Leading. Suggestive. Conclusionary.
18 Opinion.

19 BY MR. ZUCKERMAN:

20 Q. You can answer.

21 A. Yes, sir. Like the CS workers would come in.
22 Even when they would take their air suits off, changed --
23 supposed to change coveralls, you could still -- it still
24 would be so strong when they walked through that everybody
25 else would just get up and leave.

1 Q. Do you recall anybody getting up when you came in
2 because they couldn't take the odors from you?

3 A. I recall one time I went down to the main
4 building, the main offices at 101, me and (b)(6),
5 right after the OCBA had got on the soles of our shoes, and
6 walked through, and they run us out of there.

7 Q. Do you recall --

8 A. They all had to leave out. Told us to get out.

9 Q. Do you recall who ran you out?

10 A. Just some of the office help. I don't -- I can't
11 recall their names.

12 Q. Did any of the supervisors tell you never to do
13 that; never to go to the main office?

14 A. Yes, sir.

15 Q. Who told you?

16 A. (b)(6) and (b)(6), both, told us not to
17 go down there.

18 Q. Did they tell you at that time, or did they tell
19 you before or after that?

20 A. I can't remember just exactly the time. But I had
21 been told not to go to the main office.

22 Q. Why were you told that? To your knowledge, why
23 did they tell you that?

24 A. With the raw material on our clothes or on our
25 shoes --

1 Q. They didn't want the other people --

2 A. -- they didn't want the other people exposed to
3 it.

4 Q. I see. And you're sure that was (b)(6) ?

5 A. Yes, sir. He's --

6 Q. And (b)(6) ?

7 A. Yeah.

8 Q. What was (b)(6) job again?

9 A. He was the -- he was over (b)(6) .

10 Q. Uh-huh.

11 A. But I just don't -- don't know what his title was.

12 Q. Was he there the whole time that you were there?

13 A. Yes, sir.

14 Q. Do you know where he came from before he got the
15 job in North Carolina?

16 A. Not right off, I don't.

17 Q. No. Okay. Do you recall the burial ditches?

18 A. Yes.

19 Q. And I'm not expecting you to give me a totally
20 accurate answer, I know it's impossible after twenty-one
21 years, but could you tell me the dimensions, to the best of
22 your recollection, of those ditches?

23 A. You mean the depth?

24 Q. Yeah. Well, yeah. I'd like the length, the
25 width, and the depth.

1 MR. WHEELER: Excuse me, Mr. Zuckerman. Are we
2 talking about burning ditches or burial ditches?

3 MR. ZUCKERMAN: I'm sorry.

4 BY MR. ZUCKERMAN:

5 Q. I meant burning ditches, then I'll talk about
6 burial ditches.

7 A. The burning ditch, it was over -- it was way over
8 a hundred feet long. And the depth, I could have got in it
9 and crawled back out, you know, got out of it without going
10 to the other end, really.

11 Q. Okay. So it would be less than seven feet --

12 A. Yeah.

13 Q. -- or less than six feet?

14 A. Yeah, the best of my knowledge.

15 Q. About six feet? Is that your testimony? Or five
16 feet?

17 A. Somewhere along there.

18 Q. Five to six feet? Something like that?

19 A. The best of my -- I can remember.

20 Q. Okay. And width?

21 A. And width would be in the neighborhood of four
22 feet, I would say, give a few, take a few feet.

23 Q. Do you recall how many burning ditches there were
24 when you worked at Northrop?

25 A. The only two burning areas I've been to was the

1 lower part, where me and Boone burnt stuff, and then the
2 upper burning ditch.

3 Q. Okay.

4 A. That's the only two I can recall.

5 Q. All right. The lower part is where now Asheville
6 Dye has its plant, right?

7 A. Yes.

8 Q. And the upper part was near the mountain there?

9 A. Yes.

10 Q. Okay. So you recall just two ditches now?

11 A. Yes.

12 Q. Okay. Now, how about burial ditches?

13 A. The burials, I never -- I went up to dispose of
14 some burials -- barrels. Just throwed them over in the
15 woods.

16 Q. Okay. What I meant was ditches where they didn't
17 burn, they just --

18 A. Buried?

19 Q. -- put stuff, buried stuff, buried waste?

20 A. I didn't --

21 Q. Have no knowledge about that?

22 A. I have no knowledge.

23 Q. You don't recall visiting those -- those ditches?

24 A. No, sir.

25 Q. Okay. Now, you mentioned barrels. Do you ever

1 recall what you did with the drums, the -- the barrel-type
2 drums?

3 A. The 55-gallon drums?

4 Q. Yeah. What did you do with those?

5 A. Take them up on the mountain, on above the burning
6 ground, just throwed them off over in the woods.

7 Q. Why did you do that?

8 A. Why?

9 Q. Yeah.

10 A. They said, "Take these up there and get rid of
11 them."

12 Q. Do you remember who told you that?

13 A. No, sir.

14 Q. Do you have any idea today who would have told you
15 to roll down the big drums or barrels from the mountain?

16 A. No, sir.

17 Q. Do you know what was inside those barrels?

18 A. There was different things in them. There was a
19 contaminated CS drum, barrels, and I can't think of all of
20 them.

21 Q. Were the barrels contaminated or --

22 A. Yes, sir.

23 Q. Was there anything inside the barrels that was
24 contaminated?

25 A. I don't remember right off.

1 Q. Okay. How many times did you roll those barrels
2 down the mountain?

3 A. I've been up there several times with a load of
4 barrels that they couldn't --

5 Q. Loaded barrels, huh? Okay.

6 A. Load, truckload.

7 Q. Oh. Truckload of barrels?

8 A. Yeah.

9 Q. Well, if I told you -- do you think you were there
10 more than fifty times doing that? Unloading the barrels --

11 A. No, sir.

12 Q. -- off the mountain?

13 A. No.

14 Q. Could it have been more than twenty times?

15 A. I can't remember just how many times, but it
16 wasn't a whole lot.

17 Q. More than ten, you think?

18 A. 'Round ten.

19 Q. 'Round ten.

20 A. Five, ten times.

21 Q. Okay. And I asked this question before, but I
22 just want to make sure. You never made any records of
23 doing that?

24 A. On paper?

25 Q. On paper?

1 A. No, sir.

2 Q. And you don't have any recollection of anybody
3 else who did the same thing? Making records of --

4 A. No, sir.

5 Q. -- throwing down those barrels?

6 A. No, sir.

7 Q. Where did those barrels land again when you rolled
8 them down the mountain?

9 A. They would just go so far and get lodged by a
10 tree.

11 Q. Lodged by a tree?

12 A. Or a rock.

13 Q. To your knowledge, what happened to those barrels
14 after they were lodged by a tree or rock?

15 A. I don't know.

16 Q. Do you know if they're still there or --

17 A. No, sir, I don't.

18 Q. Did you ever go with the EPA to the old Northrop
19 site?

20 A. No, sir.

21 Q. No. Now, the burning ground, you -- that you just
22 gave us dimensions for, did the burning -- I mean the
23 burning ditches that you gave us dimensions for, did they
24 ever get full?

25 A. Yes.

1 Q. What happened then?

2 A. When I was working on the truck, he said, "The
3 ditch is full. We got to wait and burn it."

4 Q. And then you told us previously how that was
5 burned. Yeah.

6 A. Yes, sir. I didn't go up with him to see it out
7 of my own eyes, you know. We just went to the other
8 burning ground with a load of stuff that day.

9 Q. Yeah. So you only saw burning one time with your
10 own eyes. Right?

11 A. Right.

12 Q. Okay. Were those burning ditches -- were they
13 lined with anything, or were they unlined?

14 A. They wasn't lined.

15 Q. Just dirt. Right?

16 A. Just dirt.

17 Q. So they were basically holes in the ground?

18 A. Yes, sir.

19 Q. Okay. Were the -- were particles spewed up in the
20 air after the burning of the material?

21 A. When I was there, I didn't notice, but I've heard
22 other --

23 Q. What did you hear?

24 A. A guy who was up there -- when it burned, it would
25 blow up -- seen a truck had been burned right there at the

1 explosives ditch.

2 Q. You didn't see it?

3 A. No, sir. I seen the truck after they brought it
4 out of the mountain.

5 Q. What did it look like?

6 A. It just melted the bed, the big aluminum bed,
7 two-ton new truck. They backed it up to unload it --

8 Q. Yeah.

9 A. -- and that stuff ignited, and it just caught on
10 fire and burned the whole back end of the truck.

11 Q. So you didn't see that happen; you saw the result,
12 though?

13 A. Right. Yes, sir.

14 Q. Do -- do you know how that happened?

15 A. No, sir.

16 Q. It was a mistake made, obviously, right?

17 A. Yes, sir.

18 Q. Did you ever hear from anybody whose fault it was?

19 A. I heard it was Boone's fault. They packed it back
20 off on Boone.

21 Q. And did anybody tell you what Boone allegedly did
22 to cause this accident?

23 A. No, sir.

24 Q. So, you heard Boone screwed up, but you didn't
25 hear how Boone screwed up; is that correct?

1 A. Right. Yes, sir.

2 Q. I see. Do you recall who told you that Boone
3 messed up again?

4 A. (b)(6).

5 Q. I see. Anybody else?

6 A. No, sir.

7 Q. Do you have any recollection at all whether Boone
8 got written up or punished in any degree for -- for this
9 incident?

10 A. No, sir.

11 Q. Did Boone ever tell you about what happened with
12 the truck?

13 A. No, sir.

14 Q. You never asked him?

15 A. No, sir.

16 Q. Do you recall any complaints at the time you
17 worked at Northrop -- strike that, please. Do you remember
18 any citizens who lived nearby the Northrop plant
19 complaining about air pollution during the time that you
20 worked at Northrop?

21 A. I can't remember.

22 Q. After the burning took place, do you know what was
23 done to -- how -- strike that. After the burning process
24 finished, what was used to fill the burning trenches?

25 A. I don't know.

1 Q. Okay. You don't recall if it were -- if it was
2 dirt, just dirt-filled?

3 A. No, sir.

4 Q. Okay. Did the burning ditches have any drainage
5 mechanism, any kind of process for drainage?

6 A. Not that I could see. The ditch came in as a
7 little slope, leveled out, and then it came back out on the
8 other side, there's a little --

9 Q. Does it rain quite a bit in this area?

10 A. Yes, sir. Early spring, it does.

11 Q. Early spring. Do you recall any rain -- rainfall
12 entering the burning trenches or ditches?

13 A. I can't remember that.

14 Q. I see. You don't recall seeing --

15 A. I don't.

16 Q. You don't recall seeing that?

17 A. No, sir.

18 Q. Do you know if, to your own knowledge, if any of
19 the material burned seeped through the ground because of
20 rain water?

21 A. No, sir. I don't.

22 Q. Okay. Do you recall any acid pits while you were
23 at Northrop?

24 A. I can't remember.

25 Q. Any kind of special ditches just for acids?

1 A. No.

2 Q. Okay. Were there any special ditches just for
3 disposing of liquid waste?

4 A. If there was, I never seen them. I can't
5 remember.

6 Q. You can't remember. Okay. Could you tell us -- I
7 don't think you told us yet, so can you tell us now how the
8 different wastes were dumped into the burning ditches?

9 A. Off of the truck.

10 Q. Okay. Could you elaborate?

11 A. Well, when we'd go back up to the ditch, we'd take
12 the liquid and pour it off on this side, and the explosives
13 here, and the liquid just -- they'd just melt in together,
14 and all the waste just more or less went right on in
15 together in the ditch.

16 Q. Okay. So you have indicated that you would put
17 liquid waste on one side of the burning ditch?

18 A. On -- on one side, we had the tailgate of the
19 truck within ever how wide the back end of a truck is.

20 Q. Okay.

21 A. We just poured the liquid here and poured the
22 other here.

23 Q. The other being explosive waste?

24 A. Explosive waste.

25 Q. Like what?

1 A. Like extra powder, what they make pellets out of.

2 Q. Okay. How many feet separated the explosive waste
3 that you dumped in the burning ditch from the liquid waste
4 that you dumped in the burning ditch?

5 A. The day that I helped him, it wasn't no more than
6 ten feet apart.

7 Q. Ten feet?

8 A. Yes.

9 Q. Is that pretty much your recollection of -- each
10 time that you went to the burning ditch -- how they did it?

11 A. Yes.

12 MR. WARNER: Objection. Misstates the testimony
13 of this witness. Repeatedly, he said he went but once to
14 the lower burning ditch.

15 MR. WHEELER: That, counsel, is absolutely untrue.

16 MR. WARNER: Very well. Let the witness correct
17 me.

18 MR. ZUCKERMAN: I think we'll do that.

19 MR. COLVIG: I think the record stands as it is.

20 MR. WHEELER: Yeah, but --

21 MR. ZUCKERMAN: Well, then, that's okay. We'll --

22 MR. COLVIG: He doesn't have to correct anything.

23 BY MR. ZUCKERMAN:

24 Q. Okay. (b)(6) ? (b)(6) ?

25 A. Yes.

1 Q. Hi. Sometimes counsel get into little side
2 conversations. It's kind of interesting, but they're all
3 good friends. Okay? So let's concentrate on my question.

4 A. All right.

5 Q. Is it -- am I correct in -- in thinking that you
6 only observed the actual burning one time; is that correct?

7 A. The actual burning, yes, sir.

8 Q. But am I also correct in stating that you saw the
9 dumping of waste in the burning ditches many more times
10 than just one time; is that correct?

11 A. Yes. Yes.

12 Q. Okay. I think that clears it up. So, it's your
13 recollection that when they dumped the liquid waste and the
14 explosive waste, each time that you saw it, there was only
15 about ten feet that separated the liquid from the explosive
16 waste?

17 A. Yes.

18 Q. Was solid waste ever used up in the burning ditch?
19 Solid waste?

20 A. Solid waste?

21 Q. Yeah, like cardboard boxes and all that stuff?

22 A. Yes, sir.

23 Q. Where was that?

24 A. It was right along in with the other.

25 Q. Okay. Was it right with the liquid, or was it

1 with the explosive waste?

2 A. I can't remember which way they would put it in
3 there. The cardboard.

4 Q. Is it your -- do you have knowledge of whether,
5 once they dumped it and burned it, it all -- the explosive
6 and the liquid and the solid all came together and got
7 mixed together?

8 A. No, sir.

9 Q. Let me ask that question again because I don't
10 think I did a good job. When they poured the explosive
11 waste into the burning ditch --

12 A. Yeah.

13 Q. -- and then about ten feet away, they poured the
14 liquid waste, and then I guess ten feet away they poured
15 the solid waste -- is that correct --

16 A. Yes, sir.

17 Q. -- once they burned it, did it all mix together?

18 A. Yes, sir.

19 Q. All the waste mixed together?

20 A. It had to.

21 Q. It had to. Okay. How often did they burn, to
22 your knowledge? You may not know, but to your knowledge.

23 A. I really don't remember.

24 Q. Do you recall it being at least once a week?

25 A. Yes, sir.

1 Q. Do you recall it being two or three times a week?

2 A. No, sir.

3 Q. So you recall it being more than once a week but
4 not as often as three times a week?

5 A. I don't know.

6 Q. Okay. All right. Were there any special --
7 strike that. Okay. I'm going to show you now a -- another
8 document.

9 MR. ZUCKERMAN: I'm going to ask the reporter to
10 mark this as Exhibit 2 to the (b)(6) deposition. And I'm
11 going to pass one out to each counsel. Go ahead, take a
12 look. I think we'll have an extra copy for your attorney,
13 Mr. McCall, in a few seconds.

14 (Document marked (b)(6) Deposition Exhibit No. 2.)

15 MR. ZUCKERMAN: I'm going to ask you (indicating
16 deponent) just to take a look at it for a few seconds
17 before I ask you any questions.

18 And I'll state on the record that this document,
19 Exhibit 2, to today's deposition has a Bate's stamp mark of
20 00517 (sic). It's labeled Facility Layout. There appears
21 to be at the top left-hand corner, slightly to the left of
22 the Bate's number that I just mentioned, another Bate's
23 number, but we can't make it out.

24 I'll represent that this was retrieved from the
25 U.S. EPA Repository. This document was retrieved from the

1 U.S. EPA Repository at Warren Wilson College in Swannanoa,
2 North Carolina.

3 BY MR. ZUCKERMAN:

4 Q. Have you had a chance to take a look at it there?

5 A. Yes.

6 Q. Do you recognize what this map is?

7 A. Yes.

8 Q. This is a map of what?

9 A. Northrop.

10 Q. Northrop. I should also point out that in the
11 right-hand corner, bottom right-hand corner, it says
12 Northrop Carolina, Inc. Without having seen that or
13 disregarding that, would you still be able to recognize
14 that this was a map of that?

15 A. Yes.

16 Q. Why is that?

17 A. Everything looks familiar.

18 Q. Okay. Can you do me a favor? I'm going to give
19 you a -- a red marking pen, and I'm going to ask you to
20 draw a little rectangle where the burning ditches were, all
21 the burning ditches, on that map, as best you can, so we
22 have an idea.

23 A. Okay. Now, I don't remember whether it was above
24 the test range -- flare range, right here, or whether it
25 was up here or down here.

1 Q. Okay. So you don't know whether it was above or
2 below the area that's marked Test Flight Range?

3 A. Seems like it was above.

4 Q. All right. All right. If you could just draw a
5 little -- a little rectangle and -- and -- well, go ahead
6 and close the four sides of that rectangle and then put BA
7 right above it. Yeah. BA right above it. BA will
8 standing stand for burning area.

9 A. Okay.

10 Q. Okay. Now, that would be the upper burning area?

11 A. Yes.

12 Q. Upper burning area?

13 A. Yes.

14 Q. Could you now tell us or mark on the map for us
15 the lower burning area? Is that what you called it? The
16 lower burning area?

17 A. Yes, sir.

18 Q. Okay. Could you do the same thing? A little
19 rectangle? And just put LBA for lower burning area.

20 A. (Complies.)

21 MR. McCALL: Go ahead and explain how you get to
22 that on the map.

23 THE DEPONENT: Now you can go to the burning --
24 lower -- the burning -- the lower area come out here to
25 the -- this is coming from Northrop Corporation, and this

1 is the road that goes through by the college and the main
2 street -- road.

3 BY MR. ZUCKERMAN:

4 Q. Is that called College Road? Warren Wilson Road?

5 A. Warren Wilson.

6 Q. Could you do me a favor? Could we just -- could
7 you put WWR? WWR.

8 A. (Complies.)

9 Q. Okay. All right.

10 A. And then --

11 MR. COLVIG: The record should reflect the witness
12 is tracing in red, I guess, that road.

13 MR. ZUCKERMAN: Thank you very much. That was Mr.
14 Colvig.

15 THE DEPONENT: And then we had a drive with a gate
16 that went to the lower burning ground off the main road.

17 BY MR. ZUCKERMAN:

18 Q. Okay.

19 A. It went right out at this section.

20 Q. All right. Okay.

21 A. You could get in there and turn around. And say
22 right in here was the burning area.

23 Q. Okay. The witness is --

24 A. Right here is the creek.

25 Q. Okay. The witness is drawing a little gate right

1 off the road toward the bottom of the road. And what else?
2 And then you -- you say that was the burning area near the
3 gate?

4 A. On past the gate, after you go through the gate.

5 Q. Uh-huh. --- -----

6 A. And the little flat area out here was the
7 burning --

8 Q. Burning ditch? Would you do me a favor? Would
9 you make a little BD there to say burning ditch?

10 A. (Complies.)

11 MR. McCALL: Now you mentioned a creek.

12 MR. ZUCKERMAN: There's a creek?

13 MR. McCALL: What's that called?

14 THE DEPONENT: The Bee Tree Creek come right down
15 a'side of here.

16 MR. ZUCKERMAN: Let the record reflect the witness
17 is just drawing a line to represent Bee Tree Creek.

18 BY MR. ZUCKERMAN:

19 Q. Could you put just BTC?

20 A. (Complies.)

21 Q. Okay. So we have a burning ditch, lower burning
22 ditch, BTC. We have Warren Wilson College Road. We have a
23 gate.

24 Could you just make a line there and just put the
25 word gate, so we know what that is later?

1 MR. McCALL: To clarify --

2 MR. ZUCKERMAN: Yeah.

3 MR. McCALL: In the lower portion, was that really
4 a ditch or just an open area? I'm not sure.

5 THE DEPONENT: Me, personally, I didn't see a
6 ditch in there. It was just an open area, just a flat.

7 MR. McCALL: Okay.

8 BY MR. ZUCKERMAN:

9 Q. Could you show us -- well, it's already on the
10 map, various buildings. Could you now show us where part
11 of the Bee Tree -- Bee Tree Creek called the Nasty Branch
12 was located?

13 A. Let's see. It would start right around -- come
14 out of the mountains, this little branch would, up on the
15 hill, about 111, 12, come down by 13.

16 Q. Go ahead and draw the creek as best you can, and
17 then we'll label it later. We'll label it NC for Nasty
18 Creek.

19 A. Okay.

20 Q. Excuse me. NB for Nasty Branch, I think is what
21 it's called.

22 A. And then it would come right on down -- right
23 above 128, right beside of it, right behind it like this.

24 MR. ZUCKERMAN: All right. Let the record reflect
25 that the witness is now indicating, by drawing a line,

1 where Nasty Branch is located.

2 BY MR. ZUCKERMAN:

3 Q. All right. Have you finished?

4 A. Yes, sir. That's --

5 MR. McCALL: Yeah. --Continue to show where it runs
6 into the Bee Tree Creek.

7 THE DEPONENT: Okay.

8 MR. McCALL: Approximately.

9 THE DEPONENT: It goes right on down, down that
10 way --

11 MR. ZUCKERMAN: Oh, I'm sorry.

12 THE DEPONENT: -- right on down by 101 on the --
13 if you're going in, it would be on the right side of the
14 building, like behind the building.

15 BY MR. ZUCKERMAN:

16 Q. So, where does it connect with the Bee Tree Creek?
17 It goes all the way down there?

18 A. This is Bee Tree Creek right here.

19 Q. All right. Go ahead and connect it. All right,
20 now. Could you put NB where that Nasty Branch is?

21 A. (Complies.)

22 Q. Now can you show us the area that Northrop owned
23 at one time and then sold to Asheville Dye where you
24 buried --

25 A. (Complies.)

1 Q. That's the lower burning area?

2 A. That would still be in this lower burning area
3 here.

4 Q. Okay. Could you also just -- just make a -- just
5 have a line. _____

6 A. Let me just block it off like this --

7 Q. Okay.

8 A. -- right through here.

9 Q. Okay. Good. And then could you put AD for
10 Asheville Dye?

11 A. (Complies.)

12 Q. Now, can you show us where you and the others
13 rolled those barrels down the mountain? And could you also
14 show us where those barrels ended up, to the best of your
15 ability?

16 A. We went on above the burning ground.

17 Q. Okay.

18 A. There's a little old road that goes -- or did --
19 that went on toward the top of the mountain.

20 MR. ZUCKERMAN: Okay. Let the record reflect the
21 witness is now drawing a road to the mountain area where he
22 and others rolled barrels of waste down.

23 BY MR. ZUCKERMAN:

24 Q. Is that correct?

25 A. Yes, sir.

1 Q. Okay.

2 A. And then we'd throw them off on this side so they
3 would be rolling down the mountain. There's trees.

4 MR. COLVIG: If you could draw an arrow in the
5 direction you did it. ---

6 THE DEPONENT: Okay.

7 MR. ZUCKERMAN: All right. Let the record reflect
8 the witness is drawing an arrow showing the direction in
9 which he and others threw the barrels of waste.

10 BY MR. ZUCKERMAN:

11 Q. And can you show us now where they landed, to the
12 best of your --

13 A. Well, they just landed all in this area.

14 Q. Okay. Put little marks. Right. Could you mark
15 those, or could you put -- just print landing area right
16 there. Landing area.

17 MR. McCALL: Maybe you should put barrel landing
18 area.

19 BY MR. ZUCKERMAN:

20 Q. Okay. Either that or an airplane landing area.
21 Go ahead. Okay. Why don't you do what your counsel says
22 and just put --

23 MR. COLVIG: It's not far from the test flight
24 range, you know.

25 MR. LANE: That's what I was thinking.

1 MR. ZUCKERMAN: Barrel landing area. And what do
2 we put here? Barrel lift-off area?

3 MR. McCALL: Just mountain.

4 BY MR. ZUCKERMAN:

5 Q. Just put mountain right there. Where you -- okay.
6 All right. Okay. Thank you very much.

7 MR. COLVIG: Could we just go off the record?

8 VIDEO TECHNICIAN: This will be the end of tape
9 two.

10 (Recess.)

11 VIDEO TECHNICIAN: This is the beginning of tape
12 three in the videotaped deposition of (b)(6)

13 MR. ZUCKERMAN: (b)(6), I want to thank you
14 for your patience in answering my questions today, and I'm
15 going to defer to some other counsel. First, Mr. Colvig
16 will want to ask you some questions.

17 EXAMINATION

18 BY MR. COLVIG:

19 Q. (b)(6), my name is Tim Colvig. I represent
20 Evanston Insurance Company. I would like to start by
21 asking you to hold up the map of the Northrop facility for
22 the benefit of our viewing audience and see if we can't
23 have you point out for the video what you've drawn in
24 there.

25 A. (Complies.)

1 Q. Can you first -- can you first point out the upper
2 burning area?

3 A. Right there.

4 Q. All right. That's the little box with the BA next
5 to it; right? --

6 A. Yes, sir.

7 Q. How about the lower burning area? Where is that?

8 A. Right there.

9 Q. Okay. Would you lightly trace out the road to the
10 lower burning area that you did earlier?

11 A. From the plant?

12 Q. From the plant, right.

13 MR. McCALL: You can describe.

14 THE DEPONENT: Through here, that's from the main
15 entrance. This is from the main area down through the main
16 entrance.

17 BY MR. COLVIG:

18 Q. Okay. So then you went down outside -- outside of
19 the facility, and then is this the gate here --

20 A. Yes, sir.

21 Q. -- that you described?

22 A. This is the gate.

23 Q. All right.

24 A. And then we went through the gate into the burning
25 area.

11 1 Q. All right. And Mr. Zuckerman also had you trace
2 out the cutoff to what is now the Asheville Dye Company.
3 Where is that line that you drew in?

4 A. It's right there.

5 Q. All right. And he also had you draw in the area
6 on the mountain where the barrels were -- were pushed off.
7 Where was that?

8 A. Right there.

9 Q. Okay. That's the arrow that you drew?

10 A. Yes, sir.

11 Q. Okay. And he also had you draw the tributary to
12 Bee Tree Creek, which was also known as the Nasty Branch.
13 Where is that?

14 A. It starts right along here and goes to this line
15 right here.

16 Q. All right. Thank you.

17 A. You're welcome.

18 Q. You testified earlier not too long ago about your
19 safety shoes and how you kept them in your locker. Did you
20 ever wash them off?

21 A. No, sir.

22 Q. Did you ever trade in those pair of shoes while
23 you worked at Northrop?

24 A. Yes, sir.

25 Q. About how often did you do that?

1 A. When they would get wore -- what we say wore out,
2 the soles.

3 Q. That time when you put the DDM down the drain, how
4 much DDM was there that you put down the drain?

5 A. I can't recall how many containers there was, but
6 there was a lot of it went down the drain. When I say a
7 lot, there was several boxes, and I don't know how many
8 containers was in the box at the present.

9 Q. Did you say you were told that that was
10 contaminated DDM?

11 A. Yes.

12 Q. Did anybody tell you how it was contaminated?

13 A. No, sir.

14 Q. Did anybody tell you to be careful as to how you
15 disposed of it for your own safety?

16 A. No, sir.

17 Q. Did it have any particular smell at the time you
18 poured it down the drain?

19 A. I don't remember.

20 Q. Do you remember what color it was?

21 A. It was in a white jug, container jug, a thick --
22 it was a clear liquid.

23 Q. When you helped clean out buildings, you mentioned
24 earlier that you swept them out at times?

25 A. Yes.

1 Q. What did you do with the material that you swept
2 up?

3 A. We'd set it in -- had a little trash bin inside
4 some of the buildings; set it there. And the trash would
5 come along and pick it up, the guys working for the trash.

6 Q. (b)(6) and Boone would do that?

7 A. (b)(6) and Boone.

8 Q. When you cleaned out buildings, did you do
9 anything other than sweep up the floors? Was there
10 anything else that you did as part of that?

11 A. I can't remember of nothing else now.

12 Q. Did you ever hose down the floors?

13 A. Yes, sir.

14 Q. Did you ever see that being done by other people?

15 A. The clean-up crew?

16 Q. By anybody.

17 A. Yes, sir.

18 Q. How often was that done?

19 A. When some of the material that they moved out --
20 when they moved new material in, they had to clean it out
21 for the new material coming in; said they didn't want to
22 mix it or any kind of mixture.

23 Q. Did you always hose down the floors when you
24 cleaned out the buildings for new material to come in?

25 A. No, sir.

1 Q. How did you decide when to do that?

2 A. My supervisor would come tell us that the building
3 was empty, and it needed to be cleaned out: Sweep it.

4 Q. So if your supervisor told you to hose it down,
5 you would hose it down; if he didn't tell you, you wouldn't
6 do it; is that right?

7 A. No, sir.

8 Q. That's right, sir?

9 A. Yes, sir.

10 Q. And was your supervisor (b)(6)

11 A. Yes.

12 Q. Now, other than when you were cleaning out a
13 building, when would the floors be hosed down, under what
14 circumstances?

15 A. Where the people worked in the buildings, I've
16 seen them take a hose at the top of 113 -- it had a ramp
17 built to go into the building -- and where they spilled
18 this liquid waste, they'd just wash it off the top of the
19 platform, and it would just go right on down into the
20 ground.

21 Q. So that was actually outside of the building?

22 A. Yes, sir.

23 Q. Did you ever see anybody hose down floors inside
24 of the building?

25 A. Where they was a'working at? No, sir.

1 Q. When you hosed down the floors, was that inside
2 the building?

3 A. Yes, sir.

4 Q. Where did the water go?

5 A. Outside in the parking lot. Well, I don't mean
6 the parking lot. They had little lots, little buildings,
7 on the side of the road, and they had a little square --
8 like a parking lot for you to back up to the dock, wide
9 dock, and the water would come off of it and go down on the
10 gravel there.

11 Q. So when you hosed -- hosed down the building,
12 the -- the water went out of the building outside?

13 A. Yes, sir. We would take these rubber, what you
14 call, shreeves -- squeeves? I can't pronounce it.

15 MR. WHEELER: Squeegees?

16 THE DEPONENT: Squeegees. And push it on out,
17 push it out.

18 MR. WHEELER: The kind of thing you use on a
19 tennis court to push the water off so it dries off?

20 THE DEPONENT: Yes, sir.

21 BY MR. COLVIG:

22 Q. Did any of the floors that you hosed down have
23 floor drains?

24 A. I don't remember ever seeing any drains.

25 Q. So is it fair to say, as you sit here today, all

1 you remember, when you hosed it down, the water went
2 outside?

3 A. Yes.

4 MR. COLVIG: That's all I have. Thank you.

5 MR. ZUCKERMAN: Anybody else? Charlie, would you
6 like to take a break? Would you like to ask questions?

7 MR. WHEELER: Oh, no. I have a few questions.

8 EXAMINATION

9 BY MR. WHEELER:

10 Q. (b)(6), my name is Charles Wheeler. I'm an
11 attorney for Pacific Indemnity Company. I believe you
12 testified earlier that you wore face masks when you went
13 into Building 113; is that correct?

14 A. Yes.

15 Q. Did you wear more than one face mask when you went
16 into Building 113?

17 A. I have put two or three on.

18 Q. On your face?

19 A. Yes, sir.

20 Q. Did those masks get clogged with dust?

21 A. Yes, sir.

22 Q. And was that CS dust?

23 A. Yes, sir.

24 Q. How could you tell that?

25 A. It would burn.

1 Q. What did you do with the masks when you came out
2 of Building 113?

3 A. Throw it in the trash can.

4 Q. And what sort of trash can was it? Do you
5 remember?

6 A. It was just a can sitting there for the masks.

7 Q. Was that for everybody's masks? Or, in other
8 words -- in other words, what -- what -- what I want to
9 know, first of all, is where was this trash can? Was it
10 where the trash bin was, or was it --

11 A. It was sitting right on the side of the street
12 next to Building 113. And everybody that got the stuff in
13 their masks disposed of it in that can. And that was for
14 the trash detail to pick that up, then, and take to the
15 disposal.

16 Q. Did you ever pick up that can while you were
17 working on a trash detail?

18 A. Yes, sir.

19 Q. What did you do with the can when you picked it
20 up?

21 A. Just emptied it into the truck -- took the
22 contents out of the can and put it in the truck and put the
23 can back down.

24 Q. Was this just like a metal garbage can?

25 A. Yes.

1 Q. So you would leave the can there; is that correct?

2 A. Yes.

3 Q. On that -- strike that. Did you do that more than
4 once? You, personally?

5 A. Yes, sir.

6 Q. When you took the masks and dumped them into the
7 truck, was the truck then taken up to the burning ground?

8 A. No.

9 Q. No. What happened?

10 A. Go to other areas and pick up other --

11 Q. Other trash?

12 A. -- trash; put it on the truck.

13 Q. After revisiting those other areas, was the truck
14 then taken to the burning ground, to your knowledge?

15 A. Yes, sir.

16 Q. Was all the trash in the truck thrown in the
17 burning ditch on those occasions?

18 A. The best of my knowledge, yes, sir.

19 Q. Did you ever see any CS in the air around Building
20 113?

21 A. Yes.

22 Q. Can you tell me -- first of all, how many times
23 did you see that happen?

24 A. I've seen it happen on several occasions.

25 Q. How did you know it was CS?

1 A. It would come right out of the top of the -- I
2 don't know what you would call it. The building where the
3 filters would get clogged, it would back up and come
4 through.

5 Q. Now did you go up and look at the filters?

6 A. No, sir.

7 Q. How did you know that those -- the material was
8 coming up out of the filters?

9 A. You could see it.

10 Q. You could see it?

11 A. Just like a -- a smoke, you know, clouds, dust
12 coming up.

13 Q. How could you tell it was CS?

14 A. You could smell it. It would get on you, if you
15 was close by, and you knowed that was the building where it
16 was being made.

17 Q. Did it ever -- did any of the CS being blown up in
18 the air ever get on you?

19 A. Yes, sir.

20 Q. Did it get on other people?

21 A. I can't say.

22 Q. Now with respect to its getting on you, could you
23 smell it on you?

24 A. Yes, sir.

25 Q. What did you do when that happened?

1 A. Tried to get some more coveralls to put on. But
2 it never did get on me, what you say, real strong from
3 coming up out of the shoot because I was always off in the
4 distance. If I seen it in time, I would get away before it
5 would get on me.

6 Q. How long did that persist, that is, the stuff
7 coming up out of the roof?

8 A. I have no idea.

9 Q. Okay. Do you know -- it must have stopped at some
10 point though; is that correct?

11 A. Yeah.

12 Q. Do you know why it stopped?

13 A. When they cut the machinery off, you know, the --
14 I don't know exactly how they did it in the building. But
15 when they cut their -- found out it was clogged up, then
16 they'd stop their pumps or whatever, and it would stop.

17 Q. When you saw it happen, did you go tell the people
18 in the building about it?

19 A. No, sir.

20 Q. Did you tell anyone about it?

21 A. No, sir. I didn't.

22 Q. You just figured they would take care of it?

23 A. Yeah.

24 Q. I believe you testified about washing barrels out,
25 which had had CS in them, at some point; is that correct?

1 A. Yes.

2 Q. Did you ever wash any other barrels out?

3 A. I don't remember.

4 Q. How about other kinds of containers?

5 A. I can't remember if I had.

6 Q. The barrels that you took up to throw off the
7 mountain, had they been washed out?

8 A. Some of them had.

9 Q. How do you know that?

10 A. Because we would take them up there with us. The
11 guy that was washing them --

12 Q. Do you know who was washing them?

13 A. -- it was (b)(6), I believe was his name.

14 A (b)(6)

15 Q. How was he washing them?

16 A. With a water hose -- with a hose with a little
17 compressor on the end of it.

18 Q. Do you know what building this was near that he
19 was washing?

20 A. 128.

21 Q. Where was the water, waste water, you might say,
22 going after he was washing the barrels?

23 A. On the ground right into a little -- that little
24 what we call the Nasty Branch that run down by that. It
25 was connected in with that, too.

1 Q. Do you know what had been stored in those barrels
2 before they were washed up? The ones that you threw down
3 the mountain side?

4 A. I can't remember all of it.

5 Q. That's fine, I mean, if you don't remember. I
6 just wanted to ask. Now, with respect to the trash bin
7 outside Building 113, did you ever see any CS in that bin?

8 A. Raw material CS? Yes. Just --

9 Q. How often did you see CS in that bin?

10 A. As often as you would clean it out because it
11 would get off the bags of the material that they put in the
12 bin on to it, on the inside. It was just like a little
13 cage in there where you put it.

14 Q. Can you estimate how many times you cleaned out
15 that bin?

16 A. No. I sure can't.

17 Q. Would it be more than ten?

18 A. I'd say so.

19 Q. Okay. But you're just not sure now?

20 A. No.

21 Q. And every -- to the best of your recollection,
22 every time you cleaned out that bin, there would be some CS
23 dust around?

24 A. There would be some CS dust around.

25 Q. How could you tell that?

1 A. It would get on you.

2 Q. You could feel it?

3 A. Feel it a'burning your nose.

4 Q. Could you smell it?

5 A. Your nose. Your eyes begin to water.

6 Q. Did you wear a mask when you were cleaning out
7 that bin?

8 A. Yes, sir. Those surgical masks.

9 Q. And was that because you expected there to be CS
10 dust?

11 A. Yes.

12 Q. Did anyone tell you to wear a mask while you were
13 cleaning out that bin?

14 A. They told us to wear our masks, yes, sir.

15 Q. Okay. Who told you that?

16 A. (b)(6) told us to wear some masks when we
17 were running around that CS up there.

18 Q. Okay. So anywhere near the CS building you were
19 told to wear a mask; is that correct?

20 A. Yes.

21 Q. Were -- strike that. What sort of trash did you
22 find in the bin by Building 113? You know, just general
23 kinds of trash?

24 A. Bags, pieces of -- just generally bags that had
25 dust on them.

1 Q. Any cardboard?

2 A. I can't remember what all was in that bin.

3 Q. Now, with respect to those bags, do you know what
4 the source of -- strike that. What sort of bags were they?

5 A. Paper bags.

6 Q. Were they bags that raw materials came in, if you
7 know?

8 A. Some of them was, yes, sir.

9 Q. Were there other kinds of bags?

10 A. The dust, Cab-O -- Cab-O -- Cab-O-Sil bags was
11 there, and the bags they put the CS in. Like if one was to
12 be ruptured or something while they was filling it, they
13 would replace it; throw that empty bag out.

14 Q. When a -- when a bag that had been ruptured was
15 thrown out, in your experience, was it completely empty?

16 A. No. Wasn't no way it could be.

17 Q. Was there some CS dust in the bag?

18 A. There would be some left in it.

19 Q. Could you tell it was CS in the bag?

20 A. Yes, sir.

21 Q. How could you tell it?

22 A. By the burning and the --

23 Q. No one washed the bag out before it was put out,
24 to your knowledge?

25 A. No, sir.

1 Q. Was anything special done with bags in terms of
2 waste disposal, that is, these ruptured CS bags?

3 A. Not as I remember it.

4 Q. Were they just thrown on the truck in your
5 experience? In other words, the trash truck?

6 A. (Nodding.)

7 Q. Is that yes?

8 A. Yes, sir. Let me re -- rephrase that on the CS
9 bags.

10 Q. Sure.

11 A. We had us a little plastic -- not a little one but
12 a plastic bag, the best of my knowledge, and we would put
13 some of those CS bags in it and seal the top of it off
14 sometimes.

15 Q. When -- sometimes. Were -- why only sometimes?

16 A. If we run out of them, we just lay them up on the
17 back of the truck and take them over to the burning ground.

18 Q. Okay. So you took the -- how about if you had a
19 plastic bag to put the CS bags in. What did you do with
20 that plastic bag?

21 A. It went to the burning ground.

22 Q. Did anyone tell you why to put the CS bags in a
23 plastic bag?

24 A. Yeah.

25 Q. Who told you?

1 A. Boone and (b)(6), the guys I worked with. They
2 said they got information to put it in a plastic bag and
3 seal it up.

4 Q. But it still went in the burning ditch; is that
5 correct?

6 A. Right. Yes.

7 Q. Did -- did Boone or (b)(6) ever tell you who told
8 them to put --

9 A. No.

10 Q. Was there any tarp or covering over the top of the
11 trash truck?

12 A. No, sir.

13 Q. Did you ever see anything blow off the trash
14 truck?

15 A. I don't remember. I don't -- I wouldn't say for
16 sure. I can't -- I don't remember.

17 Q. Did you ever find anything that appeared to have
18 blown off the trash truck?

19 A. No, sir.

20 Q. Was there any cover over the bin outside Building
21 113?

22 A. I can't -- I can't remember whether there was.

23 Q. Now, I'd like you to think for a minute back about
24 the burning ditch in the upper burning ground. I believe
25 you testified that it was about five or six feet deep,

1 something like that?

2 A. Yes, sir.

3 Q. Now, when you went up to put materials in the
4 burning ditch, which -- okay. Would you be on the down --
5 downhill side or the uphill side?

6 A. The burning ditch?

7 Q. Yes.

8 A. I'd be, more than likely, in a level area.

9 Q. Uh-huh. Okay.

10 A. And just back right back up to the ditch.

11 Q. Okay. So the ditch was on sort of a level
12 stretch?

13 A. Yes.

14 Q. And you could back the truck up to a particular
15 part of the ditch and just throw things over the back?

16 A. (Nodding.)

17 MR. COLVIG: Is that yes?

18 BY MR. WHEELER:

19 Q. Is that yes?

20 A. Yes.

21 Q. I'm sorry. How -- as I understand it, the ditch
22 had a slope to it from the side; is that correct?

23 A. I can't remember.

24 Q. I mean, was it sharp down into the ground, or did
25 it have a slant to it?

1 A. No. It had a slant as you go in and come out. A
2 slant.

3 Q. Okay.

4 A. It was on the side of the mountain, so it was
5 setting like this, the mountain kind of elevated like this,
6 and we would just back up to it and throw the stuff off
7 over into the ditch.

8 Q. Okay. How did -- when you had liquid wastes, how
9 did you put them in the ditch?

10 A. Just poured it right off into the ditch.

11 Q. Now, did you pour it on a slanted slope, or did
12 you pour it out in the middle of the ditch?

13 A. Which -- whichever -- if we was parked in the
14 center, what I'm saying, of the ditch, we would just get
15 out and pour it right down the bank there.

16 Q. Did -- when you had liquid waste, did it ever form
17 pools?

18 A. I don't remember.

19 Q. When you -- strike that. Did you ever see any
20 liquid waste seep into the ground in the ditch?

21 A. When we'd pour it in?

22 Q. Yes.

23 A. It would -- yes.

24 Q. Now, by seeping, that is, I mean, did it seem to
25 go into the ground?

1 A. Yes.

2 Q. Did that happen every time you poured materials
3 into the ditch?

4 A. Well, there would be other materials in there like
5 cardboard, paper, and all. If it hit that paper, it --

6 Q. It would absorb into the paper; the paper would
7 absorb it. Correct?

8 A. Yes.

9 Q. Suppose it just hit dirt?

10 A. It would seep in.

11 Q. When you would look at the ditch, were the sides
12 of it really dirt, or were there -- was there residue on
13 the sides?

14 A. I don't remember about that.

15 Q. Did the ditch smell?

16 A. Yes, sir.

17 Q. Did it smell after a burn? I guess you were only
18 there for one burn, but --

19 A. Yes, sir.

20 Q. What did it smell like?

21 A. It's hard to describe.

22 Q. Did it smell like chemicals?

23 A. It had a nasty smell to it, yes, the best I can
24 remember it.

25 Q. The time you went up with Boone to -- to watch the

1 burn, did you call anyone at the safety office about the
2 burn?

3 A. No, sir.

4 Q. Do you know if Boone did?

5 A. No, sir.

6 Q. Did -- was -- strike that. On that particular
7 burn you went with Boone, was anyone else there to watch
8 the burn?

9 A. No, sir.

10 Q. On the occasion when you went down with Boone to
11 burn on the lower burning ground, was anyone with you on
12 that occasion?

13 A. No, sir.

14 Q. Did you contact the safety office about that burn
15 taking place?

16 A. No, sir, I didn't.

17 Q. Do you know if Boone contacted the safety office
18 about that burn taking place?

19 A. No.

20 Q. What sort of terrain is the lower burning ground?
21 Is it meadow? Is it a marsh? What's the land -- what was
22 the land like back then?

23 A. It was flat, kind of a flat meadow-like; had
24 trees.

25 Q. When -- I believe you testified about Boone

1 throwing some of the detonators around.

2 A. Yes.

3 Q. After he threw them around, could you see the
4 detonators on the ground?

5 A. No, sir.

6 Q. Why couldn't you?

7 A. He threw them too far out.

8 Q. Do you know if those detonators are still there?

9 A. No, sir, I don't.

10 MR. WHEELER: I don't have any further questions.

11 MR. ZUCKERMAN: Mr. Warner, if it's okay with you,
12 I'd like to take a five-minute break for any questions that
13 you may have.

14 MR. WARNER: Fine.

15 MR. ZUCKERMAN: Is that all right?

16 MR. McCALL: Before we start there, I'd just like
17 to just go ahead and put on the record that we do object to
18 any restriction that might be placed on the use of this or
19 any other deposition in this case.

20 MR. ZUCKERMAN: Fine. Okay.

21 (Recess.)

22 RE-EXAMINATION

23 BY MR. ZUCKERMAN:

24 Q. (b)(6), I'm going to break my promise. I'm
25 going to ask you a few more questions, but just a few. Do

1 you recall who the plant managers were at Northrop during
2 the time that you worked there?

3 A. The names?

4 Q. The names of the plant managers.

5 A. No, sir. _____

6 Q. When I use the term plant manager, do you
7 understand me to mean the number one person at the Northrop
8 plant? Number one person in power at the Northrop plant?

9 A. Yes.

10 Q. Okay. Good. Because that's what I meant. You
11 don't know who they were?

12 A. I can't think of their name.

13 Q. Do you think today that you knew who they were
14 when you worked for Northrop?

15 A. Yes, sir.

16 Q. Okay. Who else underneath -- who was the second
17 person in charge at Northrop during the time that you were
18 there? Do you have any idea?

19 A. No, sir. I don't.

20 Q. Besides (b)(6), who else did you consider to
21 be your boss while you worked at Northrop?

22 A. We had -- well, (b)(6).

23 Q. Did you consider him your boss?

24 A. Yes, sir.

25 Q. Why?

1 A. He was over (b)(6).

2 Q. Do you know what his job was?

3 A. No, sir.

4 Q. Okay. Besides (b)(6) or (b)(6), is there
5 anybody else that you considered to be your boss?

6 A. There was a (b)(6), a foreman under
7 (b)(6).

8 Q. Why did you consider him to be your boss or one of
9 your bosses?

10 A. When I was hired in, they said he would be telling
11 me what to do, also.

12 Q. Did he ever tell you what to do?

13 A. Yes, sir.

14 Q. What are some of the things he told you to do?

15 A. To clean -- go get stock out of the buildings,
16 take stuff to the buildings, to and from the buildings,
17 like 105; tell us to go get the Mark 24 flares and put them
18 down at 1 -- 140.

19 Q. As we sit here today, do you recall the names of
20 any number two men at the Northrop plant during any of the
21 time that you worked there, who was the second person in
22 charge during any of the four years that you worked there?

23 A. No, sir.

24 Q. Would you know who the person with the third-most
25 power was at Northrop during any of the time that you

1 worked there?

2 A. I can't recall their names.

3 Q. Okay. Besides (b)(6), (b)(6) and (b)(6), were
4 there any other people whom you considered to be bosses,
5 your bosses, during any of the time that you worked at
6 Northrop?

7 A. (b)(6) would be on the second shift.

8 Q. He would be your -- he would be only a boss for
9 you on your second shift. Right?

10 A. Yes.

11 Q. Okay. Anybody else?

12 A. No, sir.

13 Q. I take it then, am I correct in assuming, you
14 didn't really know too much about -- at the time that you
15 worked at Northrop -- about who was -- who had the most
16 power at Northrop?

17 A. No, sir, I didn't.

18 Q. Okay.

19 A. Could I follow up on the bosses?

20 Q. Sure.

21 A. When I got transferred from off the plant down to
22 the warehouse where they brought in the containers --

23 Q. When work slowed down?

24 A. Yes, sir.

25 Q. Uh-huh.

1 A. I had (b)(6). He was a supervisor. And
2 (b)(6) was over him.

3 Q. Okay. But that wasn't for very long?

4 A. No, sir.

5 Q. I think about a month?

6 A. Longer than that. Maybe six months.

7 Q. Six months?

8 A. (Nodding.)

9 Q. Is the person in charge of Northrop called a plant
10 manager? You said that? That was the name of the title of
11 the person who had the most power at Northrop? The plant
12 manager?

13 A. I didn't know his name.

14 Q. You don't know his title?

15 A. I can't -- I can't recall his name.

16 Q. Do you -- do you remember any of the titles of the
17 people that ran the Northrop plant? The big -- the big
18 wheels? Do you remember their titles?

19 A. No, sir.

20 Q. Okay.

21 MR. ZUCKERMAN: I have no other questions.

22 MR. WHEELER: I need to ask just two questions.

23 RE-EXAMINATION

24 BY MR. WHEELER:

25 Q. (b)(6), did you know Mr. Schultheis when you

1 worked at Northrop, that is, the gentleman who is sitting
2 here in the room with us here.

3 A. I probably did back then.

4 Q. But you can't think of the circumstances now; is
5 that correct? _____

6 A. No, sir.

7 Q. Did you ever see -- strike that. Would you have
8 known at -- at the time that you worked at Northrop who the
9 top management at the plant was if you had seen them?

10 A. I can't remember.

11 Q. Did you ever see any top management come up on the
12 mountain in the production area?

13 A. I don't remember that either.

14 Q. Did you ever see any top management around
15 Building 113?

16 A. There was so much stuff there that happened in
17 that area, I can't remember it.

18 MR. WHEELER: Okay. I have no further questions.

19 EXAMINATION

20 BY MR. WARNER:

21 Q. (b)(6), I am Glenn Warner. I represent
22 Northrop. You've testified earlier that you worked at
23 various times with Mr. Boone during one week on the trash
24 disposal truck --

25 A. Yes, sir.

1 Q. Is that not correct?

2 A. Yes, sir.

3 Q. And that's the only times you worked with Mr.

4 Boone. Correct?

5 A. The best I can remember.

6 Q. You also worked with (b)(6) on the trash
7 disposal truck?

8 A. Yes.

9 Q. How many times did you work with (b)(6) on
10 that truck?

11 A. Wasn't many.

12 Q. How many? Less than ten?

13 A. I'd say somewhere in the neighborhood of ten, yes.
14 Yes, sir.

15 Q. And that was ten times over the space of
16 three-and-a-half years that you were employed at Northrop;
17 is that correct?

18 A. Yes, sir.

19 Q. And by that do you mean ten separate days or ten
20 separate trash runs?

21 A. I can't -- let me get your question again.

22 Q. Did you work with (b)(6) on ten separate days
23 on the disposal truck, or did you work with him making ten
24 separate runs around the Northrop property and to the
25 burning ground?

1 MR. ZUCKERMAN: Objection. Misstates the
2 testimony of the witness. He didn't say that he worked
3 with (b)(6) ten days or ten times, ten burning ground
4 runs. He said that was an approximate figure in response
5 to counsel's question. _____

6 BY MR. WARNER:

7 Q. Do you understand the question?

8 A. I worked with (b)(6), but I can't pinpoint how
9 many days or how many times, how often a week.

10 Q. As you told me earlier, you thought it was about
11 ten times; is that right?

12 A. Yeah.

13 Q. And I only wanted to establish, if I can, whether
14 by ten times you meant you rode that truck with (b)(6)
15 ten separate days, approximately, or more than ten days or
16 less than ten days, but only in connection with making ten
17 rounds of the premises?

18 A. Yes, sir.

19 Q. Do you know -- do you understand that question?

20 A. You want to know if I rode with him ten days --

21 Q. Yes.

22 A. -- or just ten times around the premises?

23 Q. That's right.

24 A. Okay. I got you now. It was more like ten times
25 around the premises. I didn't stay on the trash truck

1 along with (b)(6).

2 MR. WARNER: No further questions.

3 MR. WHEELER: I have a couple of follow-up
4 questions.

5 FURTHER RE-EXAMINATION

6 BY MR. WHEELER:

7 Q. In the course of your other duties as a material
8 handler, (b)(6), did you see the trash truck on its
9 rounds?

10 A. Actually see the trash after it was loaded on the
11 truck?

12 Q. No, just see the trash truck going around the
13 premises loading things up?

14 A. Oh, yes. Yes.

15 Q. Was that a common experience? In other words,
16 would you see the trash truck every -- every day, a couple
17 times a week, things like that?

18 A. Could I explain how I seen it?

19 Q. Sure.

20 A. We'd be -- I'd be delivering material from
21 building to building. He would be picking up trash from
22 building to building. So we couldn't help but to see one
23 another from building to building, you know.

24 Q. And my question to you, sir, is: Was that a
25 common occurrence?

1 A. Yes.

2 Q. Would it happen once a day?

3 A. Seeing the trash truck?

4 Q. Yeah.

5 A. I would see it more than once a day.

6 Q. More than once a day?

7 A. Yes.

8 Q. So you saw Boone or (b)(6) picking stuff up
9 almost, well, perhaps on a daily basis; is that correct?

10 A. Yes, sir.

11 Q. Did they always follow the same routine that you
12 could tell?

13 A. The best that I can remember, yes.

14 Q. And was that the same routine that when you were
15 working on the trash truck you had been participating in?

16 A. Yes.

17 Q. Did you have occasion to talk to (b)(6) in
18 the course of your work apart from when you were on the
19 trash truck detail with him?

20 A. Talk to him about --

21 Q. Just about -- well, let's just start -- in other
22 words, did you work out of the same sort of central
23 facility?

24 A. (b)(6)?

25 Q. Yes.

1 A. Yes.

2 Q. Did you talk to him -- strike that. Were you in
3 the facility at the same time from time to time?

4 A. When he was picking up trash, and I was
5 delivering? Yes. _____

6 Q. No, more than -- more when you were just down,
7 say, at -- is it building -- let's say the locker room or
8 in Building 139 or something like that. Did you have
9 occasion to talk to him?

10 A. Yes, sir.

11 Q. Did you talk to him on a daily basis?

12 A. Yes, sir.

13 Q. Did you ever talk to him about what he was doing?

14 A. I can't remember exactly what we did talk about.

15 Q. More passing the time of day?

16 A. Yes, sir. Yes.

17 Q. Going back just to my previous questions about
18 seeing the trash detail, did -- on an ongoing basis, was
19 that true throughout the time you were working at Northrop,
20 that is, that you would see them on, say, a daily or
21 regular basis?

22 A. Yes.

23 MR. WHEELER: I have no further questions.

24 MR. WARNER: No questions.

25 MR. ZUCKERMAN: Okay. Does anybody else have any

17 1 questions? All right, then. This deposition is concluded.
2 We thank you again.

3 THE DEPONENT: You're welcome.

4 MR. ZUCKERMAN: And before we leave, let's decide
5 how many days we're going to give (b)(6) to review the
6 transcript. Would thirty days be okay?

7 MR. McCALL: I think thirty days after we receive
8 it from the court reporter.

9 MR. ZUCKERMAN: Okay. Then the original will be
10 sent to you for review and any corrections, and if we don't
11 get it signed in thirty days, it can be used as if signed?

12 MR. McCALL: Right.

13 MR. ZUCKERMAN: Okay.

14 (Deposition concluded at 4:10 p.m.)
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25

1 STATE OF NORTH CAROLINA)

2 COUNTY OF BUNCOMBE)

3 I, Teresa G. Sapp, CSR, RPR, a notary public in and
4 for the State of North Carolina, do hereby certify that
5 on June 12, 1989, there appeared before me, pursuant to
6 Notice, (b)(6), as a witness in the above cause;
7 that the appearances were as shown in the caption hereof;
8 that the said deposition was taken at the time and place
9 indicated;

10 That the said witness was sworn by me to tell the
11 truth, the whole truth, and nothing but the truth in
12 said cause; that the foregoing testimony was taken by me
13 in stenotype and thereafter reduced to typewriting by
14 me, and the foregoing deposition is a true record of the
15 testimony given by the witness; that the reading and
16 signing of the deposition by the witness were
17 not waived;

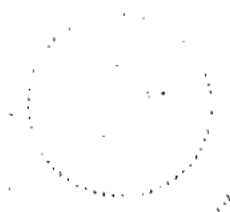
18 That I am not of kin or in anywise associated with
19 any of the parties to said cause or their counsel and
20 that I am not interested in the event thereof.

21 WITNESS my hand and official seal this 30th day
22 of June, 1989.

23

24

25


Teresa G. Sapp
Notary Public
My commission expires: 6/21/92

OPERATOR'S CERTIFICATE

STATE OF NORTH CAROLINA)

COUNTY OF BUNCOMBE)

I, DAVID M. SPERLING, CSR, RPR, CM, a notary public for the State of North Carolina, do hereby certify that (b)(6), whose testimony is recorded on the above-identified videotapes, was duly sworn by Teresa G. Sapp, Notary Public, prior to testifying, and that said video recording is a true record of the testimony given by said witness, and that said videotapes have not been altered.

I further certify that I am not an attorney for or relative of any party to this action, nor do I have any interest of any kind in this litigation.

WITNESS my hand and official seal this 5th day of July, 1989.

David M. Sperling
NOTARY PUBLIC
My commission expires: February 14, 1993

002060

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IV
DOCKET NO.: 86-03-C

In the matter of:
Chemtronics Site

Swannanoa Valley Medical Center
Swannanoa, North Carolina
12 December 1985

Northrop Corporation
1800 Century Park East
Los Angeles, California

Chemtronics, Inc.
180 Old Bee Tree Road
Swannanoa, North Carolina

INTERVIEW OF:

(b)(6)

Respondents.

ATTENDING:

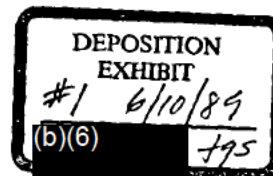
JON K. BORNHOLM
Environmental Engineer
345 Courtland Street
Atlanta, Georgia

JOHN F. SCHULTHEIS, President
Chemtronics, Inc.
180 Old Bee Tree Road
Swannanoa, North Carolina

FELICE F. JOHNSON
Chemtronics, Inc.
180 Old Bee Tree Road
Swannanoa, North Carolina

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CHE 001

002061

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Washington, D.C.

REPORTED BY: Rebecca Padgett-Harris. Notary Public



National Reporting Service
108 College Street, Suite 204
Asheville, NC 28801
(704) 254-9230



1 (b)(6) did agree that both the
2 reading over and signing of the transcript are
3 hereby reserved.

4 EXAMINATION BY MR. JON BORNHOLM:

5 Q (b)(6), would you give us your name and age?

6 A (b)(6), age (b)(6) Born (b)(6).

7 Q And your address and telephone number, please?

8 A (b)(6).

9 Telephone number, (b)(6).

10 Q When were you employed at the Chemtronics Site?

11 A (b)(6).

12 Q Until?

13 A Somewhere along '69, latter part of '69, I can't
14 remember the exact date.

15 Q What companies did you work for then at the
16 Chemtronics facilities?

17 A I was a material handler, moved material from
18 building to building. Like they would get
19 overloaded with a certain amount of stuff like
20 explosives, we would get it and put it in a
21 storage area. Move CS1 from 113 onto the
22 trailer to be loaded, to be shipped out. Washed
23 containers that had CS1 on them and just about
24 any job that had to deal with material handling.
25 Going and getting it and moving it out. I've

1 took stuff across state like to these arsenals,
2 Aberdeen, all the way up to Dover, New Jersey,
3 samples.

4 Q What companies was this for?

5 A I don't know what companies that was for.

6 Q I mean ---

7 A For Northrop.

8 Q Just for Northrop?

9 A Northrop.

10 Q Did you ever work with BZ?

11 A Not as I know of. I went there just a few
12 months after they quit making BZ. They were
13 still cleaning up 113 where they made the CS.

14 Q Right. Were you ever involved with any of the
15 disposal of materials?

16 A The wastes?

17 Q Yeah.

18 A Yeah. I have worked on the trash truck with

19 William Boone, (b)(6) and (b)(6).

20 We all worked on the trash truck hauling the
21 disposal waste to the burning grounds.

22 Q And what wastes was that? Can you just briefly
23 describe what?

24 A Well, it could be explosives, a little bit of
25 the old CS bags, you know, where they would bust

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5

1 and the CS would come out. We took the bags and
2 burned them. And it has been so long ago, now,
3 I don't want to tell no stories, you know.

4 Q Yes.

5 A A lot of explosives -- we have moved a lot of
6 the explosives like the ignitions where the red
7 cap thing goes in there.

8 Q Yes.

9 A We have had to dispose of some of those, taking
them to burning grounds and set them off.

11 Q Do you know if any of the wastes from the site
12 was disposed of off site at a county landfill?

13 A They had a county landfill they took some to but
14 I don't think I ever was on the truck then.

15 Q So you ---

16 A I won't say either way there.

17 Q Okay.

18 PY MR. JON BORNHOLM:

19 Any questions?

20 BY MR. JOHN SCHULTHEIS:

21 I assume when you were disposing of this waste
22 that it was carried up into the back valley, is
23 that where it was generally taken?

24 BY THE WITNESS:

25 I have took some up in what they call the

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6

1 burning ground ---

2 BY MR. JOHN SCHULTHEIS:

3 Right.

4 BY THE WITNESS:

5 --- up on the mountain and exposed of it. And I
6 have took some drums, barrels down here -- they
7 had a lower trash pile, where they put the
8 drums. Somewhere along in there where Owen
9 Mills is now.

10 BY MR. JOHN SCHULTHEIS:

11 Okay.

12 BY THE WITNESS:

13 We would take the drums down there. Talking
14 about the drums, they had a place on above the
15 burning grounds where they disposed of a lot of
16 55 gallon containers. They said they was
17 contaminated so I have went back and got some of
18 these drums, rewashed, repainted them and reused
19 them.

20 BY MR. JOHN SCHULTHEIS:

21 Okay.

22 BY THE WITNESS:

23 Out in the open. I have gotten the CS1 on me
24 off of those drums by doing that. I got the CS1
25 on me while operating a forklift, putting some

1 stuff into a truck. It seems like no matter how
2 good you watched those things, some of it still
3 comes back on you.

4 BY MR. JOHN SCHULTHEIS:

5 Did you ever dispose of any liquids?

6 BY THE WITNESS:

7 Some DDM we exposed of and I can't remember the
8 name of the building. It is either 111 or 112,
9 poured it down in the drain.

10 BY MR. JOHN SCHULTHEIS:

11 The U-drain in the floor?

12 BY THE WITNESS:

13 Yes.

14 BY MR. ANTHONY YOUNG:

15 Where was this drum area down by the something
16 mills?

17 BY THE WITNESS:

18 It was somewhere along where the knitting mills
19 is. This has been about 21 years back. But
20 somewhere right along where the knitting mills,
21 they had one site. It is somewhere ---

22 BY MR. ANTHONY YOUNG:

23 Is that where Asheville Dye and Finishing is
24 now?

25 BY THE WITNESS:

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8

1 Yeah, the had a gate built, made, to go through
2 the gate and take the drums. There was a creek
3 that run down through there, I guess they call
4 it Bee Tree.

5 BY MR. ANTHONY YOUNG:

6 Any other areas where you buried drums on the
7 plant site?

8 BY THE WITNESS:

9 We buried some up on the mountain.

10 BY MR. ANTHONY YOUNG:

11 On the mountain, behind the burning ground?

12 BY THE WITNESS:

13 They didn't really bury them. They take the
14 drums and set them too high in a ditch, so many
15 feet long and had black powder that a bunker
16 we'd set in ---

17 BY MR. ANTHONY YOUNG:

18 Yes.

19 BY THE WITNESS:

20 --- set all this stuff off. But they had stuff
21 on the mountain in trailers, too. Explosives
22 and different chemicals, we would have to go up
23 and check on. I wasn't aware of some of the
24 stuff, how bad it was. They said if it is
25 contaminated in any way, we can't use it. I

1 just opened the lid up and stick my hand down in
2 there to see if it was wet or whatever.

3 BY MR. JON BORNHOLM:

4 Any further questions?

5 BY MR. JON THAMES:

6 This drain that you were pouring liquid wastes
7 into in Building 111 and 112, was it going in
8 some kind of a closed container or ---

9 BY THE WITNESS:

10 No, it was just going right out down in the
11 open. There was a little creek that used -- I
12 don't know if it still runs or not. It runs
13 from the building, right down behind 128. I
14 called it a little nas.y branch then.

15 BY MR. JON THAMES:

16 (b)(6) did you ever have a significant
17 contamination to cause you problems at ---

18 BY MR. CHARLES CASE:

19 We are just going to stick to waste disposals,
20 that is all.

21 BY MR. JON BORNHOLM:

22 Is that all?

23 (no response)

24 (AT APPROXIMATELY 11:11 A.M., THE PROCEEDINGS IN THE
25 ABOVE-ENTITLED MATTER WERE CONCLUDED)

CERTIFICATE

This is to certify that the within interview was taken on 12 December 1985 at 11:05 A.M.

That all exhibits, if any, entered herein are attached hereto and made a part of this record:

That the undersigned court reporter, a notary public for the State of North Carolina, is not an ~~employee~~ or relative of any of the parties, counsel or witness and is not in any manner interested in the outcome of this action;

In witness whereof, I have hereunto set my hand and seal this 17th day of December, 1985.

Rebecca Podgett Harris
Notary Public for North Carolina
Commission expires: 9 May 1989

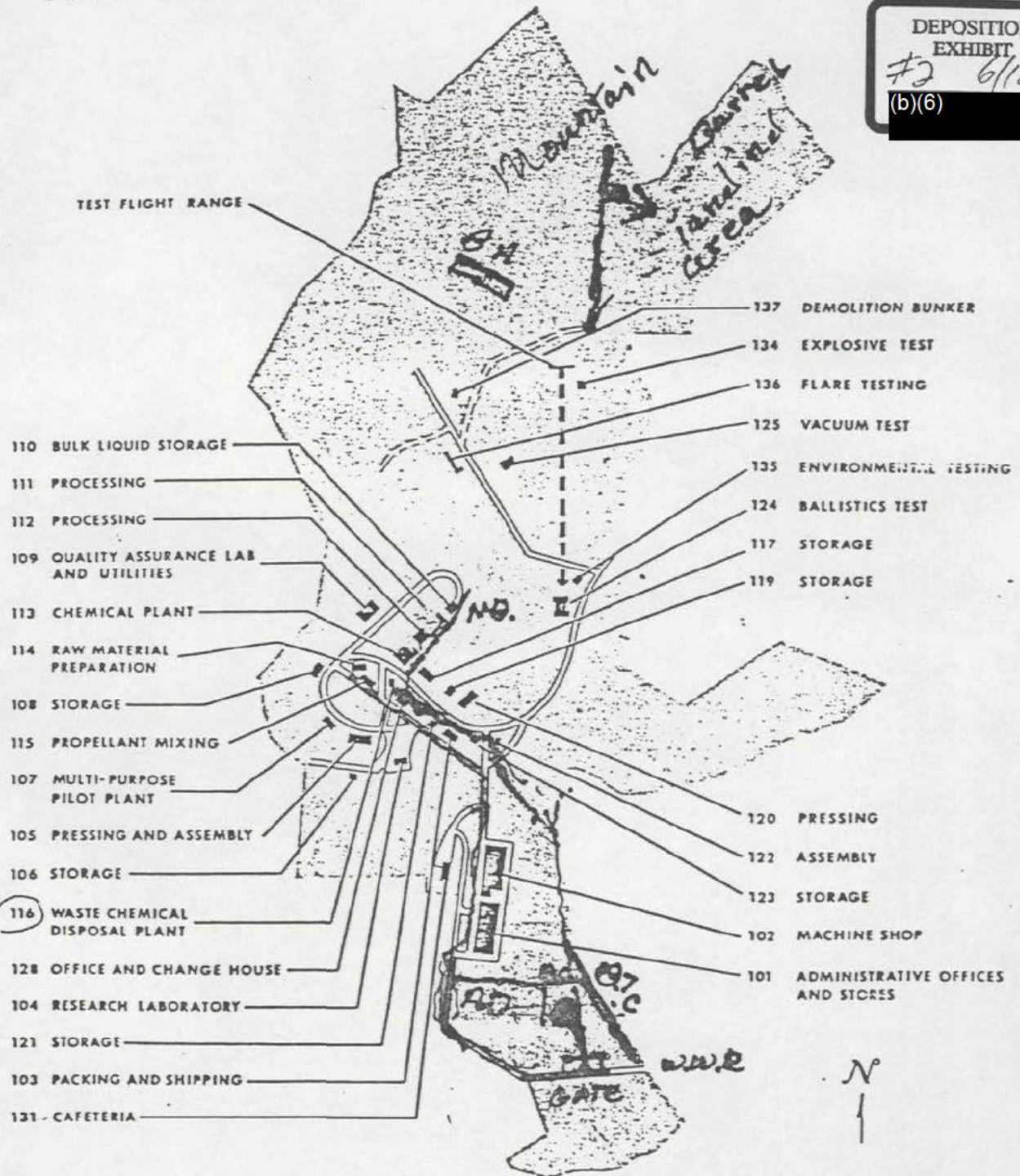
(seal)

FACILITY LAYOUT

000517

DEPOSITION
EXHIBIT

#2 6/12/85
(b)(6)



NORTHROP CAROLINA, INC.
A Subsidiary of Northrop Corporation
Box 3049, Northrop, North Carolina 28422